

Agenda**Environmental Protection
Commission**

May 19, 1997

10:00 AM

Wallace State Office Building, Fourth Floor Conference Room

Public Participation

10:30 A.M.

Appointment: Dan Forsythe for R.V. Hopkins, Inc. (Item #15A)

1:00 p.m.

Agenda topics

- | | |
|--|----------------------------|
| 1. Approve Agenda | |
| 2. Election of Officers | |
| 3. Approve Minutes of April 21, 1997 | |
| 4. Director's Report | Larry Wilson (Information) |
| 5. Monthly Financial Status Report | Stan Kuhn (Information) |
| 6. Notice of Intended Action--Chapter 213,
Packaging - Heavy Metal Content | Teresa Hay (Decision) |
| 7. Iowa Waste Exchange Contracts | Teresa Hay (Decision) |
| 8. Notice of Intended Action--Chapter 218, Waste Tire
Stockpile Abatement Program | Teresa Hay (Decision) |
| 9. Monthly Reports | Allan Stokes (Information) |
| 10. Air Quality Program Status Update | Allan Stokes (Information) |
| 11. Title V Air Quality Operating Permit Fees - FY 1998 | Allan Stokes (Decision) |
| 12. Proposed Rule--Chapter 64, General Permits--Stormwater | Allan Stokes (Information) |
| 13. Proposed Contested Case Decision--City of Ames Water
and WPC Department | Allan Stokes (Decision) |
| 14. Contested Case Appeal-Maple Grove Hog Producers, Inc. | Allan Stokes (Decision) |
| 15. Referrals to the Attorney General | Allan Stokes (Decision) |
| a) R.V. Hopkins, Inc. (Davenport) | |
| b) World Wide Pig, L.L.C. (Hamilton County) | |

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|-----|--------------------------------|
| 16. | General Discussion |
| 17. | Address Items for Next Meeting |

Next Meeting Dates	June 16, 1997
	July 21, 1997
	August 18, 1997

ENVIRONMENTAL PROTECTION COMMISSION

Monday, May 19, 1997

NAME

COMPANY OR AGENCY

CITY

(PLEASE PRINT)

Ed De Neve

Iowa County Farmer & Pork Producer

Meghan Anderson

Iowa Poultry Assn.

Ames

Jane McAllister

Ahlens Law Firm

DSM

Cathy Woollums

MidAmerican Energy Co.

Davenport

Rick Kelley

UHL

DSM

Perry Beeman

DM Register

DM

Elizabeth Henderson

IDED

DSM

Shada Kopp

IDED

DSM

John Williams

- Opposed to MCHP Inc.

Millersburg

Dave Wilhelm

Metrolast Authority

DSM

DAN VEST

GROWMARK, INC.

Blountsville, IN

Chris Gault

Farm Bureau

IFBC

Gregory Froy

LFB

DSM.

William F Mahler

Siena Club

DSM

Jack B. Clark

IWA

DSM

Lane Hemmen

millersburg

Yelbert H. Jones

Danvers Fd.

ENVIRONMENTAL PROTECTION COMMISSION

Monday, May 19, 1997

NAME	COMPANY OR AGENCY	CITY
(PLEASE PRINT)		
Joe Robertson	SWMCMC	Marshalltown
Dale Johnson	Iowa Farm Bureau	WDM
Jeff Schnell	Iowa Pork Producers	Dm
Eldon MacAfee	BSF	"
Kathy Lynch	Farmer	North English
David TerFehn	Farmer	North English
Therese Kellie	IA Senate	Dm
Jennifer Parsons	House of Reps	Dm
Dan Forsyth	R.V. Hopkins	Davenport
Kristie Hirschman	Ombudsman Office	Des Moines
Raven Schulte	W-H-D Radio Farm Dept	Des Moines
Schiffie Sarver	The Messenger (Fort Dodge)	Fort Dodge

EPC Meeting
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MINUTES
OF THE
ENVIRONMENTAL PROTECTION COMMISSION
MEETING

MAY 19, 1997

WALLACE STATE OFFICE BUILDING
DES MOINES, IOWA

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MEETING MINUTES**CALL TO ORDER**

The meeting of the Environmental Protection Commission was called to order by Chairperson King at 10:00 a.m. on Monday, May 19, 1997, in the Wallace State Office Building, Des Moines, Iowa.

MEMBERS PRESENT

William Ehm
Randal Giannetto
Rozanne King, Chair
Dean McWilliams
Charlotte Mohr, Secretary
Kathryn Murphy
Terrance Townsend
Rita Venner

MEMBERS ABSENT

Gary Priebe, Vice-Chair

Director Wilson noted that Gary Priebe phoned to say he cannot attend the meeting as he is planting crops today.

ADOPTION OF AGENDA

The following adjustments were made to the agenda:

- Add: Appointment - Dan Forsythe (R.V. Hopkins referral) 1:00 p.m.

Motion was made by Dean McWilliams to approve the agenda as amended. Seconded by William Ehm. Motion carried unanimously.

APPROVED AS AMENDED

ELECTION OF OFFICERS

Chairperson King called for nominations for the position of Chair.

Dean McWilliams nominated William Ehm for Chair. Seconded by Terrance Townsend. Charlotte Mohr moved to cease nominations. Seconded by Kathryn Murphy. Motion carried unanimously.

WILLIAM EHM ELECTED CHAIR

Dean McWilliams expressed a debt of gratitude on behalf of the Commission to Rozanne King for her service as Chair.

Chairman Ehm called for nominations for the office of Vice-Chair.

Charlotte Mohr nominated Terrance Townsend for Vice-Chair. Seconded by Kathryn Murphy. Rozanne King moved to cease nominations. Seconded by Charlotte Mohr. Motion carried unanimously.

TERRANCE TOWNSEND ELECTED VICE-CHAIR

Chairman Ehm called for nominations for the office of Secretary.

Terrance Townsend nominated Charlotte Mohr for Secretary. Seconded by Kathryn Murphy. Rozanne King moved to cease nominations. Seconded by Charlotte Mohr. Motion carried unanimously.

CHARLOTTE MOHR ELECTED SECRETARY

APPROVAL OF MINUTES

Motion was made by Dean McWilliams to approve the Meeting Minutes of April 21, 1997, as presented. Seconded by Rozanne King. Motion carried unanimously.

APPROVED AS PRESENTED

DIRECTOR'S REPORT

Larry Wilson, Director noted that Charlotte Mohr requested to discuss another joint meeting with the Board of Health and that will be done under the General Discussion item.

Director Wilson reported that Don Paulin stopped in briefly last week and is continuing to recover, but it will be a while before he returns to work.

Director Wilson stated that on the matter of contamination of the ag drainage well in Wright County, sampling will take place in the well itself sometime this week. He noted that in reviewing future manure management plans the department is going to take a closer look at the soil types and other factors before approving those plans.

Discussion took place regarding funds for closing ADWs and Charlotte Mohr asked for a report on that program.

Charlotte Mohr asked how soon a field office should report to the central office staff when spills occur.

Director Wilson stated that there is a procedure in place when an event such as that at Sac City happens whereby the Field Office is to report to the Des Moines office, adjacent field offices, and folks that are going to be impacted. He related that there was a human error in judgment of making a phone call in that case.

Rita Venner complimented Director Wilson on how he handled the situation by being very up front and not making excuses.

Director Wilson commended Rozanne King on her service as chair and related that she will be presented with a plaque at the next meeting.

FINANCIAL STATUS REPORT - YTD DIVISION EXPENDITURES

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

The 4/30/97 YTD division-level expenditure status report is attached.

Notes are appended to each division's status report regarding significant issues. Particularly in the Fish and Wildlife division and Parks division, variable cost expenditures, primarily seasonal help, supplies and equipment are be monitored closely by division management to remain within budget limits.

In March, the Fish and Wildlife division's budget was increased by \$64,135 to correct a shortfall in DOM's original FY97 salary adjustment. Additionally, the DNR received a one-time insurance related salary adjustment of \$90,000 (rounded) which was treated as an salary expense reduction. This had the effect of increasing salary budgets. Fish and Wildlife's share on that adjustment was about \$40,000. Other division budgets were affected in a similar manner.

Staff are currently updating FY98 revenue and expenditure projections to be consistent with the appropriations as passed by the 1997 G.A. Thus, the FY98 budget, as adjusted, will be available for review by July 1st. Following closely will be initial budget information relating to the FY99 budget request, scheduled for approval by both commissions at the September meeting.

DIRECTOR'S OFFICE/I&E BUREAU

EXPENSE CATEGORY	Actual FY96	Budget FY97	YTD Budget 4/30/97	YTD Actual 4/30/97	Under (Over)
PERS SERV	977,916	1,179,858	943,886	823,694	120,192
PERS TRV IN	32,944	55,114	41,336	31,987	9,349
STATE VEHL	3,897	7,791	6,492	4,431	2,061
VEHICLE LEASE	8,220	12,640	10,533	6,915	3,618

PERS TRV OUT	11,348	12,946	9,710	7,443	2,267
OFF SUPPLY	75,192	79,500	59,625	91,777	(32,152)
FAC MAINT SU	3,197	13,000	9,750	2,953	6,797
EQUIP MAINT	3,638	6,850	5,138	1,808	3,330
OTHER SUPPLY	73,889	104,950	78,713	87,299	(8,587)
PRINT & BIND	293,328	349,044	174,522	177,720	(3,198)
UNIFORMS	1,442	2,150	1,613	448	1,165
COMMUNICATIO	26,777	29,800	22,350	25,230	(2,880)
RENTALS	4,470	3,700	2,775	3,242	(467)
UTILITIES	229	750	563	160	403
PROF SERV	33,296	50,060	37,545	35,053	2,492
OUTSIDE SERV	73,860	46,619	34,964	51,485	(16,521)
ADVER PUB	0	5,000	3,750	308	3,442
DP-MAINFRAME	4,746	13,350	10,013	1,420	8,593
REIMBURSMENT	796	525	394	1,675	(1,281)
EQUIPMENT	39,413	41,600	39,520	37,226	2,294
EQUIP NONINV	3,374	5,167	4,909	3,723	1,186
OTHER	551	2,650	1,988	971	1,017
LICENSES	0	0	0	30	(30)
	<u>1,672,523</u>	<u>2,023,064</u>	<u>1,500,085</u>	<u>1,396,998</u>	<u>103,117</u>

Note: Office Supplies is over budget in the Aquatic Education and Publications cost centers.

ADMINISTRATIVE SERVICES DIVISION

EXPENSE CATEGORY	Actual FY96	Budget FY97	YTD Budget 4/30/97	YTD Actual 4/30/97	Under (Over)
PERS SERV	3,579,613	3,864,278	3,091,422	2,950,022	141,400
PERS TRV IN	45,609	55,750	41,813	30,297	11,516
STATE VEHICL	56,635	56,000	46,665	52,021	(5,356)
VEHICLE LEASE	69,430	79,500	66,247	56,320	9,927
PERS TRV OUT	6,519	12,000	9,000	5,866	3,134
OFF SUPPLY	342,869	340,200	255,150	246,263	8,887
FAC MAINT SU	1,150	15,500	11,625	359	11,266
EQUIP MAINT	48,882	52,000	39,000	34,963	4,037
OTHER SUPPLY	8,190	10,400	7,800	2,862	4,938
PRINT & BIND	23,443	23,500	17,625	20,187	(2,562)
UNIFORMS	3,464	3,000	2,250	3,289	(1,039)
COMMUNICATIO	108,666	117,100	87,825	77,565	10,260
RENTALS	1,008	500	375	175	200
UTILITIES	0	0	0	128	(128)
PROF SERV	52,227	70,000	49,000	6,215	42,785
OUTSIDE SERV	81,237	64,500	48,375	99,898	(51,523)
ADVER PUB	528	500	375	145	230
DP-MAINFRAME	44,724	52,800	39,600	42,382	(2,782)
AUDITOR REIM	171,789	175,000	131,250	108,460	22,790
REIMBURSMENT	156,555	152,750	114,563	106,563	8,000
EQUIPMENT	207,600	175,100	166,345	173,589	(7,244)
EQUIP NONINV	11,726	6,000	5,700	14,547	(8,847)
OTHER EXP	7,750	63,732	47,799	7,606	40,193
	<u>5,029,614</u>	<u>5,390,110</u>	<u>4,279,804</u>	<u>4,039,722</u>	<u>240,082</u>

Note: Vehicle Operations is over budget due to use of this account to pay unbudgeted federal gas tax. This overage will be reduced upon receipt of the related refunds. Outside Services is over due to the use of temporary help in several vacant positions and within Construction Services to assist with CCC project design. The temp help expenditures are being more than offset by a compensating surplus in the salary line item.

PARKS, PRESERVES AND RECREATION DIVISION

EXPENSE CATEGORY	Actual FY96	Budget FY97	YTD Budget 4/30/97	YTD Actual 4/30/97	Under (Over)
PERS SERV	4,503,676	4,692,353	3,753,882	3,761,088	(7,206)
SEASONAL WORKERS	1,361,773	1,330,264	877,974	871,408	6,566
PERS TRV IN	74,702	73,050	54,788	45,878	8,910
STATE VEHICL	193,493	201,300	167,743	204,181	(36,438)
VEHICLE LEASE	249,875	298,400	248,657	211,863	36,794
PERS TRV OUT	4,946	6,200	4,650	6,943	(2,293)
OFF SUPPLY	43,613	44,000	33,000	36,515	(3,515)
FAC MAINT SU	567,338	513,830	318,575	486,920	(168,345)
EQUIP MAINT	386,151	342,000	212,040	276,979	(64,939)
AG CONS SUPP	27,246	34,500	21,390	16,317	5,073
OTHER SUPPLY	45,807	40,600	25,172	28,539	(3,367)
PRINT & BIND	65,367	32,500	24,375	10,672	13,703
UNIFORMS	37,039	34,577	20,746	37,939	(17,193)
COMMUNICATIO	100,133	111,000	83,250	89,402	(6,152)
RENTALS	41,037	42,550	26,381	33,623	(7,242)
UTILITIES	473,985	454,000	281,480	375,323	(93,843)
PROF SERV	53,409	51,784	38,838	26,962	11,876

OUTSIDE SERV	227,655	206,500	128,030	150,322	(22,292)
ADVER PUB	1,963	1,050	788	1,018	(231)
DP-MAINFRAME	2,140	5,000	3,750	1,180	2,570
REIMBURSEMENT	10,573	7,375	5,531	6,743	(1,212)
EQUIPMENT	226,828	248,536	236,109	271,873	(35,764)
EQUIP NONINV	16,399	800	760	23,272	(22,512)
OTHER EXP	432	700	525	269	256
LICENSES	1,145	697	523	1,150	(627)
	<u>8,716,725</u>	<u>8,773,566</u>	<u>6,568,957</u>	<u>6,976,379</u>	<u>(407,422)</u>

Note: Division expenditures continue to be over budget due to vehicle fuel costs and facility/equipment maintenance needs. This will have to be compensated for decreased supply, maintenance and seasonal worker expenditures throughout the remainder of the fiscal year or increased camping receipts.

FORESTS AND FORESTRY DIVISION

EXPENSE CATEGORY	Actual FY96	Budget FY97	YTD Budget 4/30/97	YTD Actual 4/30/97	Under (Over)
PERS SERV	1,802,802	1,877,565	1,502,052	1,462,891	39,161
SEASONAL WORKERS	87,467	122,362	80,759	56,174	24,585
PERS TRV IN	41,920	41,200	30,900	33,028	(2,128)
STATE VEHICL	66,912	77,500	64,581	65,074	(493)
VEHICLE LEASE	118,585	136,500	113,745	95,905	17,840
PERS TRV OUT	5,167	11,500	8,625	5,093	3,532
OFF SUPPLY	28,570	19,000	14,250	13,450	800
FAC MAINT SU	38,187	35,500	26,625	33,136	(6,511)
EQUIP MAINT	55,993	55,500	41,625	42,907	(1,282)
AG CONS SUPP	78,354	74,000	55,500	60,407	(4,907)
OTHER SUPPLY	21,580	38,000	28,500	28,638	(138)
PRINT & BIND	13,751	21,500	16,125	21,275	(5,150)
UNIFORMS	11,716	13,000	9,750	10,631	(881)
COMMUNICATIO	48,783	48,500	36,375	34,778	1,597
RENTALS	39,879	43,000	32,250	27,955	4,295
UTILITIES	32,136	31,000	23,250	24,623	(1,373)
PROF SERV	14,291	1,500	1,125	1,949	(824)
OUTSIDE SERV	72,153	53,500	40,125	34,704	5,421
ADVER PUB	289	500	375	110	265
DP-MAINFRAME	1,248	1,500	1,125	688	437
REIMBURSEMENT	1,018	300	225	225	0
EQUIPMENT	39,392	66,285	62,971	87,491	(24,520)
EQUIP NONINV	1,192	9,574	9,095	3,325	5,770
OTHER EXP	42	0	0	71	(71)
	<u>2,621,427</u>	<u>2,778,786</u>	<u>2,199,953</u>	<u>2,144,528</u>	<u>55,425</u>

Note: Expenditures are over budget in several categories due to seasonal purchase of maintenance and supply items. Equipment is over budget, but, with possible minor exceptions, equipment purchases have been completed for the fiscal year.

ENERGY & GEOLOGICAL RESOURCES DIVISION

EXPENSE CATEGORY	Actual FY96	Budget FY97	YTD Budget 4/30/97	YTD Actual 4/30/97	Under (Over)
PERS SERV	2,327,252	2,659,970	2,127,976	1,947,011	180,965
PERS TRV IN	23,745	40,168	30,126	13,516	16,610
STATE VEHICL	12,539	15,000	12,500	14,154	(1,655)
VEHICLE LEASE	12,230	14,000	11,666	6,245	5,421
PERS TRV OUT	42,688	74,336	55,752	31,823	23,929
OFF SUPPLY	30,382	34,858	26,144	20,797	5,347
FAC MAINT SU	623	1,500	1,125	1,439	(314)
EQUIP MAINT	1,837	3,200	2,400	1,380	1,020
PROF SUPPLY	1,465	1,434	1,076	120	956
OTHER SUPPLY	27,174	54,953	41,215	29,674	11,541
PRINT & BIND	36,466	54,573	40,930	21,661	19,269
UNIFORMS	1,321	1,300	975	15	960
COMMUNICATIO	40,490	41,350	31,013	30,262	751
RENTALS	2,112	2,500	1,875	2,440	(565)
UTILITIES	20,858	19,000	14,250	16,804	(2,554)
PROF SERV	943,476	1,129,990	790,993	468,704	322,289
OUTSIDE SERV	79,584	258,909	194,182	109,353	84,829
ADVER PUB	933	2500	1,875	1,480	395
OUT REPAIRS	14	500	375	653	(278)
DP-MAINFRAME	5,661	7,886	5,915	2,633	3,282
REIMBURSEMENT	10,714	11,635	8,726	6,348	2,378
EQUIPMENT	160,016	148,767	141,329	86,386	54,943
EQUIP NONINV	11,516	21,854	20,761	10,900	9,861
OTHER	4843	5,762	4,322	4,515	(194)
	<u>3,797,939</u>	<u>4,605,945</u>	<u>3,567,498</u>	<u>2,828,313</u>	<u>739,185</u>

Note: Professional Services accounts for the majority of the budget surplus and results from lower than anticipated expenditures to date in several federally funded programs. Actual expenditures to date are significantly under budget in several support categories, but are similar to expenditure status at the same point last fiscal year.

ENVIRONMENTAL PROTECTION DIVISION

EXPENSE CATEGORY	Actual FY96	Budget FY97	YTD Budget 4/30/97	YTD Actual 4/30/97	Under (Over)
PERS SERV	8,780,016	10,642,911	8,514,329	7,682,474	831,855
PERS TRV IN	57,078	162,757	122,068	56,383	65,685
STATE VEHICL	39,981	58,550	48,790	48,121	669
VEHICLE LEASE	57,410	88,500	73,747	65,790	7,957
PERS TRV OUT	93,312	288,582	216,437	95,638	120,799
OFF SUPPLY	119,597	157,914	118,436	118,469	(34)
FAC MAINT SU	5,328	5,670	4,253	3,728	525
EQUIP MAINT	21,496	21,700	16,275	35,198	(18,923)
PROF SUPPLY	0	1,250	938	658	280
OTHER SUPPLY	14,901	39,684	29,763	25,226	4,537
PRINT & BIND	89,826	146,841	110,131	53,330	56,801
UNIFORMS	5,595	9,100	6,825	5,276	1,549
COMMUNICATIO	198,490	312,950	234,713	205,818	28,895
RENTALS	117,346	513,800	385,350	433,111	(47,761)
UTILITIES	23,352	24,400	18,300	20,712	(2,412)
PROF SERV	3,944,014	5,409,124	3,786,387	3,104,011	682,376
OUTSIDE SERV	79,547	171,400	128,550	148,175	(19,625)
ADVER PUB	8,310	11,626	8,720	7,173	1,547
DP-MAINFRAME	170,417	226,437	169,828	75,748	94,080
REIMBURSEMENT	57,442	64,500	48,375	56,668	(8,293)
EQUIPMENT	1,759,294	2,011,357	1,910,789	1,690,428	220,361
EQUIP NONINV	43,927	37,765	35,877	102,826	(66,949)
OTHER EXP	19,599	15,750	11,813	25,821	(14,009)
	15,706,278	20,422,568	16,000,689	14,060,782	1,939,907

Note: The apparent budget surplus is due primarily to vacancies and professional services. The division's vacancy factory, on an annualized basis is 12.5% with the Air Bureau's rate at 21.1%. The budget surplus in professional services relates primarily to the Air To-Date expenditure being at 50% of the budgeted \$2.7 million, with the fiscal year being approximately 75% to 80% completed. The Water Quality Bureau's professional service expenditure to date is 69% of the budgeted \$1.9 million with most of the under budget status accounted for in the 319 planning and federally funded flood studies.

FISH AND WILDLIFE DIVISION

EXPENSE CATEGORY	Actual FY96	Budget FY97	YTD Budget 4/30/97	YTD Actual 4/30/97	Under (Over)
PERS SERV	12,402,330	13,010,232	10,408,186	10,466,335	(58,149)
SEASONAL WORKERS	805,914	837,412	552,692	602,224	(49,532)
PERS TRV IN	350,926	363,240	272,430	275,879	(3,449)
STATE VEHICL	506,847	512,700	427,233	523,623	(96,390)
VEHICLE LEASE	707,360	757,696	631,388	573,875	57,513
PERS TRV OUT	37,513	51,400	38,550	47,321	(8,771)
OFF SUPPLY	266,399	254,818	191,114	206,098	(14,985)
FAC MAINT SU	336,977	453,707	340,280	249,047	91,233
EQUIP MAINT	480,781	353,036	264,777	370,318	(105,541)
PROF SUPPLY	0	10,000	7,500	0	7,500
AG CONS SUPP	319,951	393,858	295,394	213,554	81,840
OTHER SUPPLY	193,323	113,077	84,808	160,522	(75,714)
PRINT & BIND	338,250	313,989	235,492	272,254	(36,762)
UNIFORMS	136,027	132,125	79,275	132,315	(53,040)
COMMUNICATIO	296,015	301,600	226,200	247,070	(20,870)
RENTALS	59,319	65,160	48,870	53,391	(4,521)
UTILITIES	234,382	242,216	181,662	197,098	(15,436)
PROF SERV	361,161	385,666	269,966	266,713	3,253
OUTSIDE SERV	175,192	171,862	128,897	108,448	20,449
ADVER PUB	4,349	23,600	17,700	3,163	14,537
DP-MAINFRAME	86,521	64,000	48,000	76,272	(28,272)
REIMBURSEMENT	82,648	120,751	90,563	34,622	55,941
EQUIPMENT	696,546	765,135	726,878	506,628	220,250
EQUIP NONINV	76,387	102,875	97,731	68,796	28,935
OTHER EXP	40,817	44,353	33,265	40,353	(7,088)
LICENSES	217	300	225	0	225
	18,996,152	19,844,808	15,699,074	15,695,919	3,155

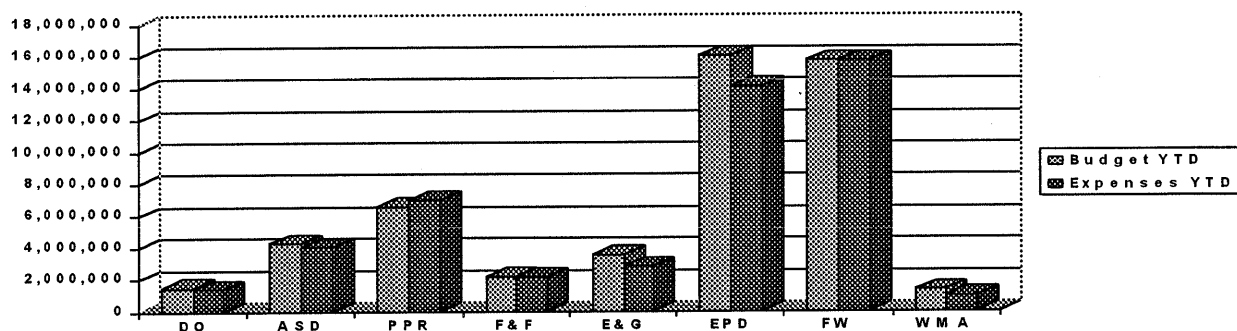
Note: Within the division, the Enforcement bureau is over budget and the Fisheries and Wildlife bureaus are under budget. On a weighted average basis, expenditures should be at 79%. Enforcement is at 83%, Fisheries is at 77% and Wildlife at 79.5%. Compared to the March report, the annual salary budget has been increased by \$64,135 relating to a salary projection error by DOM.

WASTE MANAGEMENT ASSISTANCE DIVISION

EXPENSE CATEGORY	Actual FY96	Budget FY97	YTD Budget 4/30/97	YTD Actual 4/30/97	Under (Over)
PERS SERV	772,841	897,571	718,057	662,178	55,879
PERS TRV IN	28,797	60,855	45,641	33,184	12,457
STATE VEHICL	0	0	0	48	(48)
PERS TRV OUT	20,579	37,505	28,129	14,621	13,508
OFF SUPPLY	13,475	60,172	45,129	27,458	17,671
EQUIP MAINT	1,192	915	686	641	45
OTHER SUPPLY	34,090	13,270	9,953	21,115	(11,163)
PRINT & BIND	43,742	109,393	82,045	50,114	31,931
UNIFORMS	28	0	0	0	0
COMMUNICATIO	15,567	20,000	15,000	11,926	3,074
RENTALS	776	4,390	3,293	1,230	2,063
PROF SERV	62,065	392,413	274,689	78,548	196,141
OUTSIDE SERV	8,855	11,835	8,876	7,252	1,624
ADVER PUB	8,101	12,475	9,356	5,120	4,236
DP-MAINFRAME	2,737	3,900	2,925	1,474	1,451
REIMBURSEMENT	33,075	59,870	44,903	43,891	1,012
EQUIPMENT-LARGE	34,166	12,610	11,980	8,933	3,047
EQUIPMENT-SMALL	1,136	4,964	4,716	2,740	1,976
OTHER	5,628	6,700	5,025	5,992	(967)
	1,086,850	1,708,838	1,310,401	976,465	333,936

Note: The budget surplus results from expenditures for Professional Services being significantly under budget in the Planning Grants and Waste Reduction cost centers. Similarly, the categories of Printing and Office Supplies are significantly under budget in the Household Hazardous Waste cost center.

DNR Division Level Expenditure Status, 4/30/97



Mr. Kuhn presented the reports for each division and discussed the Fish & Wildlife Division shortfall, and the impact of the Parks Division retirement benefits for park rangers.

Brief discussion followed.

INFORMATIONAL ONLY

NOTICE OF INTENDED ACTION--CHAPTER 213, PACKAGING - HEAVY METAL CONTENT

Teresa Hay, Division Administrator, Waste Management Assistance Division, presented the following item.

The Commission is requested to adopt the following amendments to Chapter 213, IAC which regulates the heavy metal content of packaging and packaging components.

These amendments to Chapter 213 are necessary to reflect the changes to Iowa Code 455D.19 resulting from the legislation adopted April 15, 1996. These changes provided for additional exemptions relative to use of toxics materials in packaging and existing regulation of the package or packaging components by federal or state transportation, health or safety and radioactive or hazardous waste disposal requirements. Additional exemptions were also created for packages or packaging components that qualified as reusable entities.

These amendments to the administrative rules would implement the changes found in the above-mentioned legislation as well as one additional change in the definition for "tin-plated steel" which is necessary to maintain uniformity with other states' implementation of toxics in packaging legislation.

CHAPTER 213
PACKAGING—HEAVY METAL CONTENT
DRAFT

567—213.1(455D) Purpose. The purpose of this chapter is to implement the provisions of Iowa Code section 455D.19, which seeks to reduce toxicity of packaging waste by eliminating the addition of heavy metals such as lead, mercury, cadmium, and hexavalent chromium in packaging and packaging components.

567—213.2(455D) Applicability. This chapter applies to manufacturers and distributors of packaging and packaging materials offered for sale or for promotional purposes in the state.

567—213.3(455D) Definitions. The following terms, as used in this chapter, shall have the following meanings:

"Department" means the department of natural resources as created under Iowa Code section 455A.2.

"Distributor" means a person who takes title to ~~products or packaging~~ one or more packages or packaging components purchased for promotional purposes or resale. A person involved solely in delivering packages or packaging components on behalf of third parties is not a distributor.

"Incidental presence" means that these elements were not intentionally introduced during manufacturing or distribution and are below the concentration levels established by the department in subrule 213.4(3).

"Intentional introduction" means an act of deliberately utilizing a regulated metal in the formulation of a package or packaging component where its continued presence is desired in the final package or packaging component to provide a specific characteristic, appearance, or quality. Intentional introduction does not include the use of a regulated metal as a processing agent or intermediate to impart certain chemical or physical changes during manufacturing, if the incidental presence of a residue of the metal in the final package or packaging component is neither desired or deliberate, and if the final package or packaging component is in compliance with subsection 4, paragraph "c". Intentional introduction also does not include the use of recycled materials as feedstock for the manufacture of new packaging materials, if the recycled

materials contain amounts of a regulated metal and if the new package or packaging component is in compliance with subsection 4, paragraph "c".

"Regulated metal" means any metal regulated under this section.

"Manufacturer" means a person who offers for sale or who sells products or packaging to a distributor produces one or more packages or packaging components.

"Manufacturing" means physical or chemical modification of one or more materials to produce packaging or packaging components.

"Offer for promotional purposes" means any transfer of title or possession, or both, of packaging or products in packaging without consideration.

"Offer for sale" means any transfer of title or possession, or both, exchange, barter, lease, rental, conditional or otherwise, of packaging or products in packaging for a consideration in any manner or any means whatsoever.

"Package" means a container which provides a means of marketing, protecting, or handling a product, including a unit package, an intermediate package, or a shipping container. Package also includes, but is not limited to, unsealed receptacles, such as carrying cases, crates, cups, pails, rigid foil and other trays, wrappers and wrapping films, bags, and tubs.

"Packaging component" means any individual assembled part of a package, including, but not limited to, interior and exterior blocking, bracing, cushioning, weatherproofing, exterior strapping, coatings, closures, inks, or labels, and tin-plated steel.

"Tin-plated steel" means a material that meets the American Society for Testing and Materials (ASTM) specification A-623 and shall be considered as a single package component. Electro-galvanized coated steel and hot dipped coated galvanized steel that meets the American Society for Testing and Materials (ASTM) specification A-879 and A-529 shall be treated in the same manner as tin-plated steel.

"Reusable entities" means packaging or packaging components having a controlled distribution and reuse subject to the exemption provided in subsection 5, paragraph "e".

567—213.4(455D) Prohibition—schedule for removal of incidental amounts.

213.4(1) Prohibition of packaging. ~~Effective July 1, 1992, a~~ A manufacturer or distributor shall not offer for sale or sell, or offer for promotional purposes, a package or packaging component in this state, which includes in the package itself or in any packaging component inks, dyes, pigments, adhesives, stabilizers or any other additives, any lead, cadmium, mercury, or hexavalent chromium which has been intentionally introduced as an element during manufacturing or distribution. This prohibition does not apply to the incidental presence of any of these elements. In addition, this prohibition does not apply to any refillable glass and ceramic package or packaging component that is managed under a comprehensive system resulting in reuse and where the lead and cadmium from the component do not exceed the Toxicity Characteristic Leachability Procedures (TCLP) of leachability of lead and cadmium as set forth by the United States Environmental Protection Agency.

213.4(2) Prohibition of sale of product in packaging. ~~Effective July 1, 1992, a manufacturer or distributor shall not offer for sale or sell, or offer for promotional purposes in this state, a product in a package which includes in the package itself or in any of the packaging components inks, dyes, pigments, adhesives, stabilizers or any other additives, any lead, cadmium, mercury, or hexavalent chromium which has been intentionally introduced as an element during manufacturing or distribution. This prohibition does not apply to the incidental presence of any~~

~~of these elements. In addition, this prohibition does not apply to any refillable glass and ceramic package or packaging component that is managed under a comprehensive system resulting in reuse and where the lead and cadmium from the component do not exceed the Toxicity Characteristic Leachability Procedures (TCLP) of leachability of lead and cadmium as set forth by U.S. Environmental Protection Agency.~~

213.4(3) Concentration levels. The sum of the concentration levels of lead, cadmium, mercury, and hexavalent chromium present in a package or packaging component shall not exceed the following:

- a. Effective July 1, 1992, 600 parts per million by weight, or 0.06 percent.
- b. Effective July 1, 1993, 250 parts per million by weight, or 0.025 percent.
- c. Effective July 1, 1994, 100 parts per million by weight, or 0.01 percent.

Concentration levels of lead, cadmium, mercury, and hexavalent chromium shall be determined using American Standard of Testing Materials test methods, as revised, or U.S. Environmental Protection Agency test methods for evaluating solid waste, S-W 846, as revised.

213.4(4) Substitute materials. No material used to replace lead, cadmium, mercury, or hexavalent chromium in a package or packaging component may be used in a quantity or manner that creates a hazard as great or greater than the hazard created by the lead, cadmium, mercury, or hexavalent chromium. The Certificate of Compliance will require an assurance to this effect.

567—213.5(455D) Certification of compliance. By July 1, 1992, a manufacturer or distributor of packaging or packaging components shall make available to purchasers, to the department, and to the general public upon request, certificates of compliance conforming to the requirements of this rule. Certificates provided shall substantially conform with either or both, as applicable, of the following forms:

REDUCTION OF TOXICS IN PACKAGING LAW CERTIFICATE OF COMPLIANCE

We certify that all packaging and packaging components sold to _____ (Company Name) or its subsidiaries in the State of Iowa comply with the requirements of this law, namely that the sum of the incidental concentration levels of lead, mercury, cadmium, and hexavalent chromium present in any package or package component shall not exceed the following:

600 Parts Per Million by weight
(Effective July 1, 1992)
250 Parts Per Million by weight
(Effective July 1, 1993)
100 Parts Per Million by weight
(Effective July 1, 1994)

We further certify that in cases where the regulated metals are present at levels less than the schedule stated above, the regulated metals were not intentionally added during the manufacturing process.

We further certify that no material used to replace the regulated metals are present in a quantity or manner that creates a hazard as great or greater than the hazard created by the regulated materials.

We will maintain adequate documentation of this certification for inspection upon request.

Company Name

Address

Certified by:

(Name)

(Signature)

(Title)

Date:

REDUCTION OF TOXICS IN PACKAGING LAW
CERTIFICATE OF COMPLIANCE—EXEMPTION STATUS

We certify that all packaging and packaging components sold to

(Company Name)

or its subsidiaries in the State of Iowa are in compliance with the law. However, certain packages or packaging components produced by

(Company Name)

are exempt from this law for one or more of the following reasons:

Package or packaging components were made or delivered before the law was signed into effect:

(List package or packaging component)

Package or packaging component contains heavy metals in order to comply with state or federal health and safety requirements or there is no feasible alternative (i.e., the regulated substance is essential to the production, safe handling, or function of the package's contents):

(List package or packaging component)

Package or packaging component is made from postconsumer material:

(List package or packaging component)

Alcoholic beverage bottled prior to effective date:

(List package or packaging component)

We will maintain adequate documentation of this certification for inspection upon request.

Company Name

Address

Certified by:

(Name)

(Signature)

(Title)

Date:

If the manufacturer or distributor of the package or packaging component reformulates or creates a new package or packaging component, the manufacturer or distributor shall provide an amended or new Certificate of Compliance for the reformulated or new package or packaging component.

567—213.6(455D) Exemptions.

~~213.6(1) A manufacturer is entitled to an exemption where:~~

- ~~a. The package or packaging component has a code indicating a date of manufacture prior to July 1, 1990, or the manufacturer can provide written documentation that the package or packaging component was manufactured prior to July 1, 1990; or~~
- ~~b. The package or packaging component contains an alcoholic beverage bottled prior to July 1, 1992.~~

~~213.6(2) A manufacturer may petition the department for an exemption for a particular package or packaging component where:~~

- ~~a. The package or packaging components contains lead, cadmium, mercury, or hexavalent chromium added in the manufacturing, forming, printing, or distribution process in order to comply with health or safety requirements of state or federal law; or~~
- ~~b. There is no feasible alternative to the use of lead, cadmium, mercury, or hexavalent chromium in the package or packaging component. For the purposes of this chapter, "no feasible alternative" means a use in which the regulated substance is essential to the protection, safe handling, or function of the package's contents; or~~
- ~~c. The addition of postconsumer materials causes the package or packaging component to exceed the maximum concentration levels set forth in subrule 213.4(3); for a package where all components contain recycled content, the entire package is exempt. However, in the case where one component contains recycled content and the other components do not, only the component containing recycled content would be exempt and not the entire package.~~

~~213.6(3) All manufacturers claiming an exemption shall file a Certificate of Compliance with the department conforming to the form set forth in rule 213.5(455D) and stating the specific basis upon which the exemption is requested.~~

~~213.6(4) Exemptions under paragraphs 213.6(1)"a" and "b" are effective only so long as those package or packaging components are used. Exemptions under paragraphs 213.6(2)"a," "b" and "c" may be granted for periods of two years. In order to receive an exemption for additional two-year periods, the manufacturer must file an exemption request.~~

~~213.6(5) Exemptions are deemed to be approved for maximum times under subrule 213.6(4), unless the manufacturer is notified otherwise within 60 days of the department's receipt of the Certificate of Compliance.~~

The following packaging and packaging components are exempt from the requirements of this act:

- a. Packaging or packaging components with a code indicating a date of manufacture prior to July 1, 1990, and packaging or packaging components used by the alcoholic beverage industry or the wine industry prior to July 1, 1992.

b. Packages or packaging components to which lead, cadmium, mercury, or hexavalent chromium have been added in the manufacturing, forming, printing, or distribution process in order to comply with health or safety requirements of federal law or for which there is no feasible alternative if the manufacturer of a packaging or packaging component petitions the department for an exemption from the provision of this paragraph for a particular packaging or packaging component. The department may grant a two year exemption, if warranted, by the circumstances, and an exemption may, upon meeting either criterion of this paragraph be renewed for two years. For purposes of this paragraph, a use for which there is no feasible alternative is one in which the regulated substance is essential to the protection, safe handling, or function of the package's contents.

c. Packages or packaging components that would not exceed the maximum contaminant levels established but for the addition of recycled materials.

d. Packages or packaging components that are reused, but exceed contaminant levels set forth in 455D.19(4)"c", if all of the following criteria are met:

1. The product being conveyed by the package, including any packaging component, is regulated under federal or state health or safety requirements.

2. Transportation of the packaged product is regulated under federal or state transportation requirements.

3. The disposal of the packages or packaging components is performed according to federal or state radioactive or hazardous waste disposal requirements.

The department may grant a two-year exemption if warranted by the circumstances and an exemption may, upon meeting the criteria of this paragraph, be renewed for additional two-year periods.

e. Packages or packaging components which qualify as reusable entities that exceed the contaminant levels set forth in 455D.19(4)"c", if the manufacturers or distributors of such packages or packaging components petition the department for an exemption and receive approval from the department according to the following standards based upon a satisfactory demonstration that the environmental benefit of the controlled distribution and reuse is significantly greater than if the same package is manufactured in compliance with the contaminant levels set forth in 455D(4)"c". The department may grant a two-year exemption, if warranted by the circumstances, and an exemption may, upon meeting the four criteria listed in subparagraphs (1) through (4), be renewed for additional two-year periods.

In order to receive an exemption, the application must ensure that reusable entities are used, transported, and disposed of in a manner consistent with the following criteria:

1. A means of identifying in a permanent and visible manner those reusable entities containing regulated metals for which an exemption is sought.

2. A method or regulatory and financial accountability so that a specified percentage of the reusable entities manufactured and distributed to another person are not discarded by the person after use, but are returned to the manufacturer or the manufacturer's designee.

3. A system of inventory and record maintenance to account for the reusable entities placed in, and removed from, service.

4. A means of transforming returned entities, that are no longer reusable, into recycled materials for manufacturing or into manufacturing wastes which are subject to existing

federal or state laws or regulations governing manufacturing wastes to ensure that these wastes do not enter the commercial or municipal waste stream.

The application for an exemption must document the measures to be taken by the applicant as set out in subparagraphs (1) through (4).

567—213.7(455D) Inspection and penalties.

213.7(1) Inspection. The department may inspect, with the consent of the owner or agent, any ~~property or building to determine compliance with the requirements of this chapter.~~

213.7(2) Violation. A manufacturer or distributor who does not comply with the requirements of Iowa Code section 455D.19 is guilty of a simple misdemeanor. Each package or packaging component in violation constitutes the basis of a separate offense.

These rules are intended to ~~implement~~ administer Iowa Code section 455D.19.

[Filed 7/2/93, Notice 3/17/93—published 7/21/93, effective 8/25/93]

Date

Larry J. Wilson, Director

Ms. Hay reviewed details of the rule.

Motion was made by Rozanne King to approve Notice of Intended Action--Chapter 213, Packaging - Heavy Metal Content. Seconded by Kathryn Murphy. Motion carried unanimously.

APPROVED AS PRESENTED

IOWA WASTE EXCHANGE CONTRACTS

Teresa Hay, Division Administrator, Waste Management Assistance Division, presented the following item.

The Iowa Waste Exchange (formerly named the By-product and Waste Search Service program) is funded with solid waste tonnage fees as established in Iowa Code 455B.310. This program is a cooperative effort of Iowa community colleges, council of governments and solid waste agencies, the Iowa Waste Reduction Center, the Iowa Department of Economic Development and the Iowa Department of Natural Resources. IWE is a free and confidential program which actively promotes the reuse and recycling of Iowa business and industry by-products and waste by facilitating waste exchanges from waste generators to other businesses, industries or recyclers that can use this waste as a raw material.

IWE has successfully diverted over 150,000 thousand tons of materials from disposal sites and saved businesses over \$3 million in disposal costs. The program is also responsible for saving business and industry thousands of dollars in raw material purchases.

Applications for IWE grants were accepted for consideration in January, 1997. Applications were reviewed and selections made by representatives from the Department of Natural Resources, the Department of Economic Development, and the Iowa Waste Reduction Center.

Commission approval is requested for the following eight (8) contracts:

Contractor	Contract Period	Contract Amt.
Indian Hills Community College	July 1, 1997 - June 30, 1999	\$105,694
Iowa Northland Regional Council of Governments	July 1, 1997 - June 30, 1999	\$45,465
Western Iowa Tech Community College	July 1, 1997 - June 30, 1999	\$45,900
Region XII Council of Governments	July 1, 1997 - June 30, 1999	\$77,195
Iowa Western Community College	July 1, 1997 - June 30, 1999	\$45,722
Des Moines Area Community College	July 1, 1997 - June 30, 1998	\$50,000
Northeast Iowa Community College	July 1, 1997 - June 30, 1999	\$45,560
Eastern Iowa Community College	July 1, 1997 - June 30, 1999	\$50,000

In addition to the above contracts, Commission approval is requested to amend the existing contract with the University of Northern Iowa, Iowa Waste Reduction Center (IWRC) by increasing the contracted grant amount by \$10,000 (from \$50,000 to \$60,000 for the two year contract). The amended contract amount will provide the Iowa Waste Reduction Center the full amount authorized by Iowa Code.

IWRC is contracted to provide representatives of the Department of Natural Resources, the Department of Economic Development and IWE regional representatives such services as:

- training on the use of the IWE database;
- maintaining and updating the IWE database;
- preparing and distributing materials available and materials matched reports to facilitate future waste exchanges;
- helping plan and conduct quarterly meetings;
- conducting on-site visits with regional representatives for training purposes, oversight and/or evaluation of the program;
- tracking and documenting all work of the regional representatives;
- researching potential markets for hazardous materials; and
- researching by-products and other materials that would be considered wastes for potential future exchanges.

The contract amendment is necessary as a result of increased IWRC responsibilities for providing the above services to additional IWE representatives. The number of IWE representatives has increased from five (5) to eleven (11) since the contract was signed with the

Iowa Waste Reduction Center. Until April, 1995 the number of representatives was insufficient to provide IWE services to all of Iowa. Expanding the Iowa Waste Exchange program has not only increased Iowa Waste Reduction Center responsibilities but has also resulted in a regional representative providing program services to business and industry in each of Iowa's 99 counties.

At this time, eight (8) contracts and one (1) contract amendment is presented to the Commission for approval.

(Copies of the Scope of Work for each contract is on file in the department's Records Center)

Ms. Hay noted that this program was previously known as the By-Products and Waste Search Service Program and the name has been changed to Iowa Waste Exchange Program to simplify it. She reviewed details of the contracts.

Discussion followed regarding the number of full time and part time positions.

Motion was made by Charlotte Mohr to approve the eight Iowa Waste Exchange contracts as presented. Seconded by Rozanne King. Motion carried unanimously.

APPROVED AS PRESENTED

PUBLIC PARTICIPATION

Chairman Ehm announced Public Participation at 10:30 a.m.

Chris Gault

Chris Gault, Iowa Farm Bureau Federation, presented a paper with the definition of "residence" under 567-65.1, along with the following written statement:

"My name is Chris Gault and I'm representing the Iowa Farm Bureau Federation. We are not here today to talk about whether the Maple Grove livestock producers should or shouldn't build their farrowing operation at the proposed location in Iowa County. Rather, we are here today to talk about the definition of a residence and its interpretation statewide - a definition that will impact residents and producers, regardless of size, who care for their livestock inside a building. The definition determines whether a separation distance must be met and the case that has brought us here today establishes precedent for the department's interpretation of this definition in the future.

Farm Bureau was represented on the advisory committee that recommended this definition. It is not a perfect definition, but a workable one. Three sentences make up the definition. I will review each of the sentences in reverse order.

The last sentence says in part that "a residence must exist at the time an applicant submits an application for a construction permit to the department" The sentence requires the department to evaluate the structure at the time the permit application is filed with the department. It is undisputed that the trailer house was placed closer than the separation distance prior to the permit being filed. The question before you is whether the trailer was a

residence. At the time the department investigated, the trailer had a 911 address, electricity and a mail box. It did not have septic facilities, nor an on-site permanent source of water.

The middle sentence says that "in the absence of evidence to the contrary, a house or building that has not been occupied by humans for more than six months in the last two years is presumed not to be a residence." It establishes a presumption that unless a building has been occupied by humans for six months in the last two years, it's not a residence. This sentence was added to the definition to address abandoned houses and converted structures. At the time of the permit application, it is undisputed that the trailer was not occupied for six months in the last two years. The question becomes what facts are necessary to overcome the presumption. If the facts in this case do not overcome the presumption, the trailer is not a residence.

The first sentence of the definition says that "a residence means a house or other building, including all structures attached to the building, not owned by the owner of the animal feeding operation, which is used as a place of habitation for humans on a permanent and frequent basis." Breaking the sentence down, the key phrase of discussion is "which is used as a place of habitation for humans on a permanent and frequent basis." The evidence presented by the intervenors that the trailer was used as a place of habitation was an affidavit by Curt Matzen. Mr. Matzen did not testify at the hearing and no testimony was given as to how often he stayed at the trailer in the month prior to the permit being filed or over the three months he rented the trailer. The landowner, adjoining landowners and the people who farmed the adjoining land did not speak to, meet or see Curt Matzen going to and from the trailer. Then, there is an issue of whether a trailer with no permanent water source or septic system can be a place of permanent habitation.

The Facts in the case speak for themselves. As determined by the hearing officer and plainly admitted by the intervenor, the trailer was placed across the road, close enough to the proposed cooperative hog operation "so as to prevent it from coming into operation due to the separation distance required between residences and such confinements." This is not a case of a bona fide residence being present on the premises.

As an association representing farmers and residents, we have encouraged persons to talk to their neighbors before deciding to build, replace or expand their livestock buildings so that they can accommodate neighbors' concerns in locating and designing the building. The twelve farmers proposing this operation talked to their neighbors; but were rewarded with the trailer in dispute being placed too close to their proposed operation. As a public policy, we should encourage communication between a livestock producer and his or her neighbors. The current application of this definition will serve to discourage communication. If the hearing officer's decision is upheld, I, in good conscience, must inform livestock producers of the possible consequences of talking to neighbors. I would rather be able to encourage producers to talk to their neighbors as a way to build trust and respect for each other. I encourage you to overturn the hearing officer's proposed decision and order."

Ed DeNeve

Ed DeNeve, Iowa County pork producer, addressed the Commission presenting the following written statement:

"Where's the common sense on this issue of a residence as required under house file 519 rules. HF 519 rules clearly states to be determined a residence occupancy has to be established six months out of two years, prior to the building permit application. Even one of Maple Grove's opponents has told me he does not think it should be called a residence under House File 519 rules description. Another opponent of Maple Grove told me personally, the only reason for the trailer to be moved was to stop Maple Grove's construction. He also told me he had to recruit someone to stay in the trailer because no one had a personal desire to live there.

When I heard what the Maple Grove opponents had done by moving the trailer, I was concerned about the precedent this would set. If these neighbors could stop a livestock operation this easily, then anybody could - including animal rights activists or any neighbor who wanted to stop a livestock confinement building.

I believe the Maple Grove producers followed the rules of House File 519 and were treated unjustly by the DNR ruling. I also think the DNR failed in interpreting House File 519 rules when they ruled this trailer a residence. If we are to be governed by laws, we have to take the responsibility for interpreting the laws at the proper level.

If you are wondering why I came to make a statement to this committee, it's because the same opponents of Maple Grove asked our county supervisors to see if they could implement a revised version of Humboldt County ordinance for Iowa County. On May 2, a public hearing was held on the Humboldt County ordinance and a motion was passed to proceed with a revised version for Iowa County.

Within a two week period our commodity groups and Farm Bureau members worked together to educate our supervisors on confinement buildings and House File 519 and how the livestock industry would be affected by these ordinances. On Friday, May 16, our Iowa County supervisors passed a motion to stop pursuing Humboldt county-like ordinance. They also passed a motion to support House File 519 at this meeting. It's a sorry situation when people sit by and watch a small group of misguided individuals try to influence the livestock industry with tactics such as these.

These people do not consider the effect their actions could have on the livestock industry. Livestock producers and the public in general are so intimidated to speak up for fear of reprisals. People do not want to draw attention to themselves so they sit back and let our rights be taken away.

House File 519 was written to protect the livestock producers and the public rights. No one should be allowed to manipulate the law for personal gain.

I would be happy to answer any questions you may have. Thank you for the opportunity to address this committee."

Jeff Schnell

Jeff Schnell, Iowa Pork Producers Association, distributed copies of the following written statement to the Commission:

"Thank you. I'm Jeff Schnell representing the Iowa Pork Producers Association. Our producers have followed the issue of residency very closely. This decision is very important to livestock producers wanting to update their business.

I have personally visited the trailer sight on two different occasions. The first time, the outhouse was tipped over, the water tank was not being used and there were no human foot tracks in the week-old snow. On the second visit the outhouse was tipped back up, but since the water tank had been removed, I could not locate any source of water. It certainly didn't appear to be a legitimate, year-round residence.

As evidenced in many news articles, producers have difficulty locating new structures. This makes facility placement more secretive. I talk to several producers concerning building new facilities. One issue we always discuss is how close they are to their neighbor's home. I would not consider this trailer as a neighbor's home.

The Maple Grove producers did everything anyone would ever ask, including telling everyone what they were up to before applying for the permit. Unfortunately, it was and still is being used against them. This decision could mean producers with existing operations cannot build on their own farmstead, unless they owned all the ground in the area. Yet almost anyone can build a new home across the road from any farmstead.

On behalf of our producers, I urge you to find that this is not a residence."

Jack Clark

Jack Clark, Iowa Utility Association, spoke about the Title V Fees and their uses. He commended Allan Stokes and department staff for establishing the monthly Client Contact Group meetings. He related that it has been a very effective means of providing interested parties input and progress updates on staffing and major budget expenditures. He also expressed appreciation to department staff for the work they have done to refine the budget. He urged the Commission to support the staff recommendations in Item 11, dealing with the FY 98 Title V Operating Permit Fees.

NOTICE OF INTENDED ACTION--CHAPTER 218, WASTE TIRE STOCKPILE ABATEMENT PROGRAM

Teresa Hay, Division Administrator, Waste Management Assistance Division, presented the following item.

The Iowa General Assembly adopted comprehensive waste tire management legislation, HF2433, during the 1996 Session. One of several components within HF2433 included the establishment of a waste tire management fund within the state treasury. Moneys will be available from the fund for fiscal years 1997-2002 to implement a variety of waste tire related programs.

A portion of moneys from the fund are to be appropriated for the awarding of contracts by the Department for the processing of waste tires from existing waste tire stockpiles. Approximately \$7 million dollars will be available for these contract awards.

These proposed rules establish the criteria which the department will follow for prioritizing waste tire stockpile abatement projects, requirements for owners or operators of nuisance stockpile sites, procedures for awarding stockpile abatement and waste tire processing contracts, and guidelines that the department may use to seek cost recovery for stockpile abatement activities.

The Commission is requested to approve this Notice of Intended Action for proposed rules addressing the establishment of the Waste Tire Stockpile Abatement Program. If the Notice of Intended Action is approved by the Commission, public notice and hearings will be conducted to solicit public comments on these rules.

**ENVIRONMENTAL PROTECTION COMMISSION [567]
Notice of Intended Action**

Pursuant to Iowa Code section 455D.11C, the Environmental Protection Commission hereby gives Notice of Intended Action to adopt chapter 218, "Waste Tire Stockpile Abatement Program," Iowa Administrative Code.

This new chapter provides for the awarding of contracts to eligible contractors for the processing of waste tires from existing waste tires stockpiles. The chapter will also establish the

criteria which the department will follow for prioritizing waste tire stockpile abatement projects, requirements for owners or operators of nuisance stockpile sites, procedures for awarding stockpile abatement contracts, and guidelines that the department may use to seek cost recovery for stockpile abatement activities.

Any interested party may make written suggestions or comments on the rules proposed in this Notice of Intended Action prior to _____, 1997. Such written comments should be directed to Mel Pins, Waste Management Assistance Division, Iowa Department of Natural Resources, ~~Wallace State Office Building, 900 East Grand Avenue, Des Moines, Iowa 50319-0034~~; fax (515) 281-8895. Persons who wish to convey their views by telephone should also contact Mel Pins, Waste Management Assistance Division, at (515) 281-8489, or at offices on the fifth floor of the Wallace State Office Building, Des Moines, Iowa.

A public hearing will be held on _____, 1997, at _____ p.m. in the _____ Floor Conference Room, Wallace State Office Building, Des Moines, Iowa, at which time comments may be submitted orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the rule.

Any persons who plan to attend a public hearing and that have special requirements such as hearing or mobility impairments should contact the Department of Natural Resources and advise of specific needs.

These new rules are intended to implement Iowa Code section 455D.11C.

The following new chapter is proposed.

CHAPTER 218 WASTE TIRE STOCKPILE ABATEMENT PROGRAM

567--218.1(455D) Goal. The goal of this program is to abate waste tire stockpiles that pose a nuisance to the environment, or to public health, safety or welfare, through the awarding of contracts by the department.

567--218.2(455D) Purpose. The purpose of this chapter is to establish the process for the use of available funds to implement a waste tire stockpile abatement program. This chapter establishes the criteria which the department will follow for prioritizing waste tire stockpile abatement projects, requirements for owners or operators of nuisance stockpile sites, procedures for awarding stockpile abatement contracts, and guidelines that the department may use to seek cost recovery for stockpile abatement activities.

567--218.3(455D) Definitions. As used in this chapter:

"Abatement" means the processing or removal of waste tires from nuisance stockpiles with delivery to an approved processing site or site of end use.

"Abatement fund" means that portion of the waste tire management fund allocated for stockpile abatement activities pursuant to Iowa Code section 455D.11C.

"Department" means Iowa department of natural resources.

"Nuisance" means an unreasonable danger to public health, safety or welfare, or the environment.

"Operator" means the person responsible for the overall operation of the stockpile site including the care, custody or control of the waste tires located at the site.

"Owner" means a person who owns, in whole or in part, the waste tires located at a stockpile site, or the land on which the stockpile is located. *"Owner"* includes one who holds an interest in the property on which the stockpile is located, as in the case of a lessee.

~~*"Permittee"* means a person who has been issued a waste tire processing or storage permit by the department pursuant to 567-- Chapter 117.~~

"Processing" means producing or manufacturing usable materials from waste tires.

"Processing site" means a site which is used for the processing of waste tires and which is owned or operated by a tire processor.

"Site of end use" means a site where whole or processed waste tires are recycled or reused in a beneficial use as authorized by the department.

"Stockpile" means an accumulation of waste tires at a site which is used for the storage, collection, or processing of waste tires. The stockpile may or may not be a facility currently permitted by the department.

"Tire collector" means a person who owns or operates a site used for the storage, collection or deposit of more than 500 waste tires.

"Tire processor" means a person who reduces waste tires into a processed form suitable for recycling or for manufacturing usable materials from waste tires including producing a fuel product for energy or heat. "Tire processor" does not mean a person who retreads tires or processes and stores tires.

"Waste management assistance division" means the waste management assistance division of the department of natural resources established by 455B.483.

"Waste tire" as defined in Iowa Code section 455D.11, means a tire that is no longer suitable for its originally intended purpose due to wear, damage, or defect. "Waste tire" does not include a nonpneumatic tire.

"Waste tire collection site" means a site which is used for the storage, collection, or deposit of waste tires owned or operated by a tire collector.

567--218.4(455D) Role of the department of natural resources. The department is responsible for determining abatement priorities, for initiating and ensuring the completion of abatement actions, for the administration of funds awarded to waste tire processors or contractors under these rules, and for contractor selection and contract monitoring. The department will assure that funds disbursed meet guidelines established in Iowa Code section 455D.11C.

567--218.5(455D) Existing authority. This chapter does not change the authority of the department to enforce any existing applicable laws or regulations including waste tire processing or collection requirements stipulated in 567-- Chapter 117.

567--218.6(455D) Funding source. The department will use that portion of the waste tire management fund available for stockpile abatement pursuant to Iowa Code section 455D.11C,

beginning in fiscal year 1997 through fiscal year 2002, to fund the activities of the program set forth in this chapter.

567--218.7(455D) Applicability. This chapter applies to owners or operators of permitted and unpermitted waste tire stockpile sites located within Iowa containing 500 or more waste tires, either on one property or on numerous properties under their ownership, management or control, ~~which are determined by the department to be a nuisance.~~

567--218.8(455D) Abatement fund priorities. The department may use the abatement fund to abate any nuisance created by waste tires at a stockpile site. The department shall follow the criteria in rule 218.9 and the priorities set forth in this rule for determining which sites shall be subject to abatement.

218.8(1) Primary use.

a. First priority for the department's use of the abatement fund shall be to issue contracts for the removal or processing of all waste tires that can be reasonably recovered from stockpile sites determined by the department to be a nuisance. For this purpose, the department may use funds for abating stockpile sites including, but not limited to, the following:

- A stockpile site for which the owner or operator has failed to apply for or obtain waste tire processing or storage permit;
- A stockpile site where the owner or operator has failed to remove the waste tires as required by the department;
- A permitted waste tire collection site if the permittee fails to meet the conditions of such permit;
- A permitted waste tire processing site where the owner or operator has ceased processing waste tires.

b. Abatement activities related to this subrule shall require the owner or operator of the site to enter into a letter of agreement or contract with the department, or to comply with an abatement order issued by the department, any of which shall include the stipulation that the site will no longer be used for collecting, storing or processing waste tires.

c. Procedures for using abatement funds for projects referenced in this subrule are described in rule 218.10.

218.8(2) Secondary use. In using the abatement fund, the department may consider issuing a contract for the purpose of abating a nuisance that has caused a permittee of a waste tire processing site to be in non-compliance with the conditions of the facility's permit. In such cases, it is the intention of the permittee to continue processing waste tires at the site, and the extent of the abatement would be only to process or remove a quantity of waste tires sufficient to mitigate the conditions that caused the site to be in non-compliance. The procedure for using the abatement fund for such projects is described in rule 218.11.

567--218.9(455D) Abatement site determination criteria. This section establishes the criteria that the department shall follow in determining which sites will be subject to abatement, including the criteria for determining the degree of nuisance posed by stockpiles.

218.9(1) Size of Stockpile. Stockpile sites will be placed into the following categories based on the number of waste tires present at each site:

1. Sites with 50,000 or more waste tires receive first priority;
2. Sites with at least 10,000 waste tires but less than 50,000 waste tires receive second priority;
3. Sites with at least 500 waste tires but less than 10,000 waste tires receive third priority.

218.9(2) Nuisance Criteria. For the purposes of abatement, sites within each priority category specified in subrule 218.9(1) shall be ranked according to the degree of nuisance posed by each site as determined by the following evaluation criteria.

(a) **Susceptibility to fire.** In this, the department's evaluation shall consider characteristics of the stockpile which constitute a fire hazard, such as the absence of fire lanes, lack of emergency control equipment, presence of easily combustible material or activities which could cause the pile to ignite, and lack of site access control.

(b) **Risk to the environment, or to public health, safety or welfare.** In this, the department's evaluation shall consider characteristics of the stockpile which might constitute a danger to the environment or to public health, safety or welfare. Such characteristics include, but are not limited to, proximity to surface waters or to other environmentally sensitive areas, proximity to population concentrations especially susceptible populations such as hospital patients, proximity to property owned by a third person, susceptibility to mosquito infestation, proximity to public or private water wells, and visibility from public roadways.

(c) **Other special conditions.** After ranking sites in each priority category specified in subrule 218.9(1) in terms of the evaluation criteria specified in paragraphs 218.9(2)"a" and 218.9(2)"b", the department may further prioritize the sites by considering other special conditions. Such conditions may include a local fire district's or a local governmental agency's determination that deems the site to be a danger or nuisance, or an environmental concern justifying prompt abatement action.

218.9(3) Discretionary. In the process of contracting for nuisance abatement activities, the department may combine the cleanup of stockpiles that rank lower than other potential abatement sites if these sites are located in the general area of a site that ranks high as determined by the criteria specified in subrules 218.9(1) and 218.9(2) and it is in the department's judgment this action would be a more cost effective and expeditious use of abatement funds.

218.9(4) Financial Considerations. In determining its order of priority for stockpile abatement activities, the department may justify contracting for the cleanup of lesser priority sites if either of the following conditions apply.

a. Monies available in the abatement fund pursuant to rule 218.6 are not sufficient to address the current highest priority site as ranked by the Department. Under these circumstances, the department may conduct abatement activities at a lesser ranked site or sites whose estimated abatement costs coincide with available funding.

b. Under the limited funding circumstances described in paragraph 218.9(4)"a", and where the owner or operator of a nuisance stockpile is willing to provide a cost share for the abatement of the site, the Department may conduct abatement activities at a lesser ranked site if the estimated abatement costs coincide with available funding as supplemented by the owner or operator of the site through a negotiated settlement.

567--218.10(455D) Procedures for use of abatement funds through an abatement order or negotiated settlement. This rule defines the procedures for the use of the abatement fund described in subrule 218.8(1).

218.10(1) Initial notification. If the department determines that a stockpile is a nuisance and ranks relatively high as determined by the criteria in rule 218.9, it shall give notice to the owner or operator deemed responsible for the nuisance of the department's intent to proceed with abatement action at the site. The department's proposed abatement action plan shall be specified in the notice. ~~The person notified shall be required to respond to the notice within a specified period.~~

a. If the person notified fails to respond within the specified time period or the response does not affirm agreement and willingness to cooperate with the department's proposed abatement action plan, and such person is not the owner of the property on which the stockpile is located, the department will send the abatement notice to the property owner.

b. If the person or persons notified including the owner of the property fail to respond to the notice or the response does not affirm agreement and willingness to cooperate with the department's proposed abatement action plan, the department shall issue an abatement order. The abatement order procedure is described in subrule 218.10(2).

c. If the person or persons notified respond to the initial notice within the specified time period and affirm agreement and willingness to cooperate with the department's proposed abatement action plan, the department may enter into a negotiated settlement with any or all of the applicable parties. The procedure for using abatement funds by negotiated settlement is described in subrule 218.10(3).

218.10(2) Abatement order. Pursuant to paragraph 218.10(1)"b" of this rule, the department may issue an abatement order requiring the owner or operator of the stockpile site to comply with the department's abatement action plan.

a. The department may take any action necessary under its authority to abate the nuisance including entering the property where the stockpile is located, confiscating the waste tires into public custody, and providing for their removal and processing.

b. To carry out a nuisance abatement order, the department may refer a nuisance owner or operator to the attorney general for further enforcement action.

c. Through the abatement order, the department may bring an action or proceeding to recover any reasonable and necessary expenses incurred by the department in conducting the abatement action as provided in rule 218.12.

d. The abatement order shall include conditions which place limitations on the use of the site for waste tire storage, collection or processing activities during or following completion of the abatement action. Violation of these conditions shall be cause for the department to seek recovery of expenses as provided in rule 218.12, and to pursue other appropriate legal actions as stipulated in the abatement order.

218.10(3) Negotiated settlement. Pursuant to paragraph 218.10(1)"c", the department may enter into a negotiated settlement with any or all of the applicable parties through a letter of agreement. The letter of agreement stipulates the terms of the negotiated settlement which may include, but is not limited to, the following.

a. Consent to allow the department and its employees, agents, and contractors to enter the property and remove, or to process and remove, all waste tires which can be reasonably

recovered from the site as determined by the department. This consent applies to all areas of the property and structures therein associated with the stockpiled waste tires.

b. Consent to allow open access to the stockpile property shall extend to such time as is necessary for the investigation, preparation, and completion of the nuisance abatement.

c. If so determined by the department or if part of the negotiated settlement, the applicable parties' share of the total abatement cost and terms of payment shall be specified. In determining if a cost share is appropriate and ascertaining the amount of a cost share, the department shall consider the cost recovery factors described in subrule 218.12(3). The letter of agreement's description of the cost share the applicable parties agree to pay to the department may be based on either a specified sum of money or a percentage of the department's final costs incurred in the abatement action.

d. A statement that the applicable parties will henceforth not use the site for temporary or permanent waste tire collection, storage, or processing. Any subsequent collection or dumping of waste tires on the stockpile property site, regardless of source, shall be the sole liability of the applicable parties so long as they continue to have ownership or an interest in the property as determined by the department. The applicable parties shall be responsible for immediate abatement and removal of such waste tires.

e. A provision that any violation of the conditions stipulated in the letter of agreement shall be cause for the department to seek recovery of expenses, as provided in rule 218.12, and to pursue other appropriate legal actions as stipulated in the letter of agreement.

567--218.11(455D) Procedure for use of abatement fund at a permitted waste tire processing site. This rule defines the procedure for the use of the abatement fund described in subrule 218.8(2). The department may determine that abatement funds should be made available to abate a nuisance that has caused a permittee of a waste tire processing site to be in non-compliance with the conditions of the facility's permit. In such cases the extent of the abatement would be only to process or remove a quantity of waste tires sufficient to mitigate the conditions that caused the site to be in non-compliance.

218.11(1) A contract providing financial assistance for abating a nuisance at a permitted waste tire processing site may be entered into between the department and the permittee if the following conditions are met:

- a. The site ranks relatively high in the nuisance criteria described in subrule 218.9(2).
- b. The permittee submits to the department a compliance plan that shall include:
 1. A detailed description of the specific issues and circumstances that have caused the permittee to be in non-compliance;
 2. A detailed description of the permittee's proposed actions, including how the tires will be processed and removed to a site or sites of end use;
 3. A description of the site or sites of end use that will be used;
 4. A time schedule for processing and removing the waste tires which includes specific milestones;
 5. An estimate of the net cost of processing and removing waste tires to a site or sites of end using the most cost effective alternative. This estimate must be documented. The department may require the permittee to include three bids competitively obtained from responsible contractors for the proposed abatement action.
- c. The plan receives approval from the department.

218.11(2) Financial assistance provided through the contract may be in the form of a grant equal to a percentage of the total funding needed to complete the project, a zero interest loan for total or partial funding of the project, or a combination of the two. Terms of payment or repayment shall be specified in the contract. Final payment to the permittee shall be withheld until the department's final inspection and confirmation that the nuisance abatement has been completed in accordance with the approved compliance plan and, if appropriate, until the department receives written documentation satisfactory to the department that the permittee's share of the costs have been paid. ~~In determining the type and amount of financial assistance to provide to the permittee, the department shall consider the cost recovery factors described in subrule 218.12(3).~~

218.11(3) A permittee may receive financial assistance through the waste tire stockpile abatement program for no more than one project.

567--218.12(455D) Abatement cost recovery. The abatement fund may be reimbursed through the recovery of expenses and cost share mechanisms described in this rule.

218.12(1) Recovery of expenses. Pursuant to rules 218.10 and 218.11, the department may bring an action or proceeding to recover any reasonable and necessary expenses incurred by the department for stockpile abatement activities. The department may ask the attorney general to initiate a civil action to recover such expenses. The department's certification of expenses shall be prima facie evidence that the expenses are reasonable and necessary. In general, the department will consider that the person or persons who were the subject of an abatement action conducted by the department under this chapter to be responsible for repaying the department for the full costs of the abatement.

218.12(2) Owner or operator cost share for abatement activities. Pursuant to rules 218.10 and 218.11, the department may include cost share or repayment provisions in letters of agreement, contracts, or other legal instruments associated with the department's stockpile abatement actions.

218.12(3) Cost recovery determination factors. In its determination whether to initiate actions or proceedings for recovery of expenses, and in determining the extent of expenses subject to recovery or cost sharing by the applicable parties, the department may consider the following factors:

- a. The total actual cost or estimated cost of the abatement action.
- b. Whether the owner or operator responsible for the nuisance received compensation for the collection, transportation or storage of the waste tires.
- c. Whether the owner or operator responsible for the nuisance has or is paying a portion of the costs to abate the nuisance.
- d. Whether the owner or operator responsible for the nuisance is financially able to pay a portion of the costs to abate the nuisance. This determination may be based upon the submittal of state and federal tax returns for the past 3 years, statement of net worth, and similar documentation.
- e. Whether the person responsible for the nuisance is the owner of the property where the stockpile is located.
- f. Whether the owner of the property received compensation for the waste tires received at the stockpile site.

g. Whether the owner or operator responsible for the nuisance knowingly violated rules or statutes relating to waste tires.

218.12(4) *Abatement fund reimbursement.* Any money from the abatement fund expended by the department for costs related to stockpile abatement activities and later recovered by the department through the mechanisms described in this rule shall be credited to the abatement fund.

~~567--~~218.13(455D) Abatement contracts.

218.13(1) With the exception of a permitted waste tire processor who receives abatement funds for mitigating a nuisance at the permittee's site as described in rule 218.11, all contracts for abatement projects shall be awarded to eligible firms through a competitive bidding process. Firms placed on a qualified bidders list will receive a request for proposals for abatement projects at sites determined by the department. In selecting contractors the department shall use criteria that includes, but is not limited to, the following:

1. professional, financial and technical qualifications;
2. stockpile abatement experience;
3. end markets for the waste tires removed and processed under the abatement action;
4. capability to perform defined scope of work within specified time-frame; and,
5. cost of service.

218.13(2) In order for consideration of any stockpile abatement contract awards, a prospective contractor must be in compliance with all applicable provisions of local, state, and federal regulations, including the department's waste tire storage, collection, and processing requirements as set forth in 567-- Chapter 117. There also must not be any current or pending enforcement actions against the prospective contractor. If such actions exist, the firm is ineligible to receive contract awards under this program.

218.13(3) Any contractor under this rule found to be providing unsatisfactory service during a contract period, as determined by the department, may be ineligible for award of a subsequent contract.

These rules are intended to implement Iowa Code section 455D.11F.

Date

Larry J. Wilson, Director

Ms. Hay briefly reviewed the rules.

Chairman Ehm asked about the size and number of stockpiles around the state.

Ms. Hay stated that she does not have that information with her, but she will provide it to the Commission.

Brief discussion followed regarding the criteria to be used in prioritizing the sites for abatement projects.

Motion was made by Rita Venner to approve Notice of Intended Action--Chapter 218, Waste Tire Stockpile Abatement Program. Seconded by Dean McWilliams. Motion carried unanimously.

APPROVED AS PRESENTED

MONTHLY REPORTS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Enforcement Status Report
5. Contested Case Status Report

Members of the department will be present to expand upon these reports and answer questions.

RULEMAKING STATUS REPORT May 1, 1997

PROPOSAL	NOTICE TO COMM.	NOTICE PUBLISH	RULES REVIEW COMM.	HEARING	FINAL SUMMARY TO COMM.	RULES ADOPTED	RULES PUBLISH	RULES REVIEW COMM.	RULE EFFECTIVE
1. Ch. 22, 23 - Air Quality- Emission Guidelines for Municipal Solid Waste Landfills	2/17/97	3/12/97	4/08/97	4/11/97	*6/16/97	*6/16/97	*7/16/97	*8/11/97	*8/20/97
2. Ch. 64 - General Permits -- Stormwater	*6/16/97	*7/16/97	*8/11/97	*8/ /97	*9/15/97	*9/15/97	*10/08/97	*11/10/97	*11/12/97
2. Ch. 213 - Packaging --- Heavy Metal Content	5/19/97	*6/18/97	*7/08/97	*7/08/97	*8/18/97	*8/18/97	*9/10/97	*10/06/97	*10/15/97
3. Ch. 216 - Regents Tire Derived Fuel Program	1/21/97	2/12/97	3/03/97	3/05/97	4/21/97	4/21/97	*5/21/97	*6/09/97	*6/25/97
4. Ch. 217 - Waste Tire Processor Incentive Program	1/21/97	2/12/97	3/03/97	3/05/97	4/21/97	4/21/97	*5/21/97	*6/09/97	*6/25/97
6. Ch. 218 - Waste Tire Stockpile Abatement Program	5/19/97	*6/18/97	*7/08/97	*7/ /97	*8/18/97	*8/18/97	*9/10/97	*10/06/97	*10/15/97

**Monthly Variance Report
April 1997**

No.	Facility	Program	Engineer	Subject	Decision	Date
1	Hunt Wesson	Air Quality		Permit Requirements	Denied	04/17/97
2	International Paper	Air Quality	Env. Assoc. Serv.	Permit Requirements	Denied	04/25/97
3	Hydrite Chemical	Air Quality	Fluor Daniel GTI	Permit Requirements	Approved	04/25/97

**Hazardous Condition Report
April 1997**

From April 1 - April 31, 1997, 64 reports of hazardous conditions were recieved. A general summary is presented below.

Month	Total Incidents	Petroleum Product	Agri - Chemical	Other Chemicals	Handling and Storage	Pipeline	Highway Incident	RR Incident	Fire	Other
Oct.	52(64)	28(37)	10(9)	14(18)	31(21)	0(0)	13(35)	4(3)	0(1)	4(4)
Nov.	33(52)	18(34)	9(7)	6(11)	16(25)	0(4)	12(21)	2(1)	0(0)	3(1)
Dec.	33(56)	20(30)	3(11)	10(15)	16(28)	1(2)	12(21)	0(2)	1(1)	3(2)
Jan.	39(42)	28(18)	49(10)	7(14)	20(24)	1(0)	15(13)	2(1)	0(0)	1(4)
Feb.	54(55)	29(36)	7(11)	18(8)	29(37)	2(1)	20(12)	1(2)	2(1)	0(2)
Mar.	53(59)	37(44)	9(6)	7(9)	29(29)	0(0)	16(28)	4(0)	0(0)	4(2)
Apr.	64(93)	33(41)	25(37)	6(15)	28(37)	0(1)	30(36)	2(3)	0(2)	4(14)

(numbers in parentheses for the same period in fiscal year '96)

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
10	6	4	3	26	15

ENFORCEMENT REPORT UPDATE

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
<u>Name, Location and Field Office Number</u>	<u>Program</u>	<u>Alleged Violation</u>	<u>Action</u>	<u>Date</u>
Delaware County Landfill, Inc., Delaware Co. (1)	Solid Waste	Cover Violations, Leachate Control	Order/Penalty \$5,000	4/11/97
Randy Harbach d/b/a Randy's Sanitation and Randy Harbach Enterprises, Inc., Delaware Co. (1)	Solid Waste	Illegal Disposal	Order/Penalty \$2,000	4/11/97
Nature of Iowa, Inc., Humboldt Co. (2)	Wastewater	Construction Without Permit	Order/Penalty \$1,000	4/11/97
Organic Technologies Corp.; Tim Danley; Ken Renfro, Warren Co. (5)	Solid Waste Wastewater	Compliance Schedule, Cover Violations, Other Violations; Discharge Limits, Operational Violations	Second Amendment to Order	4/29/97

SUMMARY OF ADMINISTRATIVE PENALTIES

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Marvin Kruse d/b/a K & C Feeds (Luana)	UT	300	12-01-92
Don Grell d/b/a Dodger Enterprises (Ft. Dodge)	AQ	10,000	2-16-93
Duane Pospisil d/b/a Duane's Service (Lisbon)	UT	1,000	5-04-93
Melvin Foubert d/b/a Mel's Repair Service (What Cheer)	UT	400	12-13-93
Stan Simmer d/b/a Tire City (Des Moines)	UT	600	12-21-93
*63-80 Cafe (Moore Oil Co.) (Malcom)	WS	200	1-20-93
Ida Grove Farm Supply Co. d/b/a Double Circle Farm Supply Co. (Galva)	UT	2,300	5-15-94
Leland Koster and Jim Koster (Alexander)	UT	350	6-11-94
*Home Asbestos & Lead Abatement Services (Johnston)	AQ	350	7-02-94
Crawford Flats, Ltd. (Denison)	WS	275	8-25-94
Holland, City of	WS	550	8-28-94
Coralville Lake Terrace Assn. (North Liberty)	WS	550	9-01-94
Bill Dettman d/b/a Dettman Oil Co. (Fonda)	UT	2,800	9-15-94
Scenic View Estates (Decorah)	WS	275	9-25-94
Hidden Valley Mobile Home Court (Washington Co.)	WS	200	10-22-94
*Dale Hall d/b/a Hall Oil Co. (Des Moines)	UT	250	11-15-94
William R. Hennessey & Son, Inc. (Cedar Rapids)	UT	2,670	12-06-94
Donald K. Schmidt (Cedar Rapids)	UT	3,000	12-27-94

Collier Oil Co.; Clark Concrete Co. (Onawa)	UT	3,300	1-22-95
Valley Heights 1st Annex (Blue Grass)	WS	550	6-05-95
Rock Falls Lounge (Rock Falls)	WS	1,500	6-12-95
Crestwood Acres; Mid County Water, Inc. (Toddville)	WS	375	6-13-95
Lake Vista Improvement Assn., Inc. (Solon)	WS	200	6-14-95
Fremont County Sanitary Landfill (Fremont Co.)	SW	5,000	7-05-95
David A. Dohlman d/b/a Dave's Conoco (Dumont)	UT	2,300	7-18-95
M & L Service; Loyal Dorr; Mark Courtney (Guthrie Center)	UT	1,000	8-30-95
Norman Klynsma d/b/a OK One Stop Service (Hospers)	UT	2,000	9-01-95
Carter Lake, City of	WS	200	10-25-95
Meadow Knolls Addition (Marion)	WS	200	10-29-95
Searsboro, City of	WW	2,500	11-08-95
*R. V. Hopkins, Inc. (Davenport)	AQ	10,000	11-15-95
Economy Solar Corp. (Monticello)	AQ	7,500	11-25-95
Elery Fry; Allen Fry; Becky Sandeen (Monroe Co.)	SW	6,000	1-20-96
Patrick McCoy (Keokuk Co.)	AQ/SW	2,000	2-10-96
Cheryl Straughn d/b/a Cher's Mini Mart (Chapin)	UT	600	2-21-96
Dennis Sharkey d/b/a Sharkey Bldg. Wrecking (Dubuque)	AQ	2,000	3-11-96
Sportsmen's Club (Waukon)	WS	100	4-01-96
C & C Ltd. d/b/a Country View MHP (Denison)	WS	475	4-08-96
Long Branch Tavern (Monmouth)	WS	100	5-01-96
David Kramer (Camanche)	UT	600	5-03-96
Latimer, City of	WS	150	5-03-96
Ainsworth, City of	WS	150	5-03-96
McClelland Bar & Grill (Council Bluffs)	WS	100	5-06-96
Paul L. Dunkel (Delaware Co.)	SW	1,500	6-27-96
*Orrie's Supper Club, Inc. (Hudson)	WS	650	7-15-96
*Woden-Crystal Lake Comm. School District (Crystal lake)	AQ	1,000	8-01-96
Plantation Village Mobile Home Park (Burlington)	WW	1,000	8-01-96
Dennis L. Mattison (Winnebago Co.)	AQ/SW	600	9-03-96
*Dan Peterson d/b/a Peterson Backhoe (Dumont)	AQ	500	9-22-96
Carpenter Bar & Grill (Carpenter)	WS	725	9-27-96
Howard Victor and Wanda Victor (Des Moines)	UT	10,000	10-21-96
Riverside Lutheran Bible Camp (Story City)	WS	500	10-28-96
Long Branch Tavern (Monmouth)	WS	6,400	10-28-96
Wunschel Oil, et.al. (Battle Creek)	UT	4,400	12-23-96
Gassman's MHP & Spruce Harbor Inn (Dubuque)	WS	4,500	12-26-96
Mark Anderson d/b/a Westside Park for Mobile Homes; M A, Inc. (Burlington)	AQ/SW	1,000	1-03-97
#Eugene VanDenBerghe (Scott Co.)	WW	2,000	1-06-97
*Ken Frese (Keokuk Co.)	AQ/SW	175	1-09-97
*First United Methodist Church (Ft. Madison)	AQ	500	2-01-97
J.F.V. Corporation; Frank Hawk; Sharon Hawk (Prole)	UT	600	2-19-97
*Orville Long (Polk Co.)	SW	400	3-10-97
Long Branch Tavern (Monmouth)	WS	200	3-18-97
Thurman, City of	WR	100	3-17-97
Ballard Golf & Country Club (Story Co.)	WR	100	3-23-97
*#Gary Watson (Cerro Gordo Co.)	WW	350	4-01-97
Rodney, City of	WS	100	4-07-97
#Grand Prix Pork, Ltd. (Kossuth Co.)	WW	1,000	4-14-97
Hofer's Danceland Ballroom (Walford)	WS	3,188	4-19-97
#Practical Pig Corp. (Clinton Co.)	WW	2,500	4-29-97

*Vernon Kinsinger d/b/a K & K Sanitation (Washington Co.)	AQ/SW	9,630	5-05-97
Ronald Slocum; Tammy Lynn Determan (Marshall Co.)	SW	10,000	5-24-97
Tom Ashland (Clear Lake)	UT	5,300	6-04-97
Delaware County Landfill, Inc.	SW	5,000	6-07-97
Randy Harbach; Randy's Sanitation; Randy Harbach Enterprises (Delaware Co.)	SW	2,000	6-15-97
Carroll Etchen (Clear Lake)	UT	10,000	6-15-97
Nature of Iowa, Inc. (Humboldt Co.)	WW	1,000	6-15-97
Deer Ridge Estates (Ottumwa)	WS	100	----
Brittany Estates Addition (Manchester)	WS	4,000	----

TOTAL 165,988

The following cases have been referred to the Attorney General:

Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Vernus Wunschel d/b/a Wunschel Oil (Ida Grove)	UT	300	1-12-92
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	3,070	10-11-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	600	10-11-94
Trust Trucking Corp.; Jim and Brenda Huyser (Lovilia)	UT	840	11-01-94
Paul Underwood d/b/a Underwood Excavating (Cedar Rapids)	AQ	4,000	3-24-95
Oscar Hahn (Solon)	AQ/SW	2,000	8-29-95
Randy Ballard (Fayette Co.)	FP	2,000	5-30-95
ESCORP Associates Ltd.; Arnold Olson (Cedar Rapids)	AQ	10,000	7-09-95
Brian McKernan d/b/a Hickory Grove MHP (Story Co.)	WW	1,000	4-15-96

TOTAL 26,479

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
Joe Eggers, Jr., et.al. (St. Ansgar)	SW	1,000
Hickory Hollow Water Co. (Ankeny)	WS	400
Wayne Transportation, Inc. (Greene)	WW	1,000
Mulgrew Oil Company (Dubuque)	HC	500
Charles Kerr (Sloan)	UT	600
Chickasaw Co. SLF, et.al. (Chickasaw Co.)	SW	1,000
Plymouth Cooperative Oil Co. (Hinton)	WW	1,000
Randy Bonin/Vickie Brannick (Hardin Co.)	SW	500
Dean Hoeness d/b/a Hoeness & Sons (Winterset)	UT	300
King's Terrace Mobile Home Court (Ames)	WW	500
ITWC, Inc. (Malcom)	AQ	1,000
Frank Hulshizer (Benton Co.)	SW	500
Pirelli Armstrong Tire Corp. (Polk Co.)	SW	1,000
LeMars, City of	WW	5,000
Crane Co. d/b/a Crane Valves (Washington Co.)	SW	500
Donald Udell (Plymouth Co.)	SW	1,000
Oakwood Park Water, Inc. (Ankeny)	WS	1,000
U.S. Dept. of Defense (Sioux City)	UT	5,720

Waverly Gravel & Ready-Mix aka Shell Rock Sand and Gravel (Shell Rock)	AQ	3,000
Coastal Mart, Inc.-Store #1081 (Davenport)	UT	5,320
Country Stores of Carroll, Ltd.; Roger Kanne (Carroll)	UT	10,000
Elite, Ltd.; Roger Kanne; James Pietig (Coon Rapids)	UT	3,500
Elite, Ltd.; Roger Kanne; James Pietig (Logan)	UT	3,288
HiWay Texaco, Ltd.; Roger Kanne; Rick Kanne (Bagley)	UT	5,000
Galva Union Elevator Co. (Galva)	UT	3,100
Joseph L. Ranker; Daryl Hollingsworth (Indianola)	UT	4,000
Tom Wiseman (Sheffield)	UT	3,500
Karl and Thelma Boylan d/b/a Boylan's Service (Northboro)	UT	1,800
William Jensen d/b/a B & B Tire & Oil Co. (Avoca)	UT	2,300
Crabtree Lake Resort (Rhodes)	WW	5,400
Elmer R. Faust d/b/a Faust Garage & Grocery (Delaware)	UT	2,300
American Coals Corporation - Site #5 (Bussey)	AQ/SW	10,000
H.E.W., Inc. aka Hazardous Environmental Wastes, Inc. aka Algona Roofing & Insulation, Inc. (Algona)	AQ	5,000
Bankston, City of	WS	550
Wunschel Oil, et.al. (Ida Grove)	UT	10,000
Jim Foust (Indianola)	SW	2,175
Titan Wheel International, Inc. (Walcott)	WW	10,000
Ronald Sizemore and Mark Murphy (Eldora)	UT	3,200
Boomsma's Egg, Inc. (Alden/Galt)	AQ	10,000
Keith Owens and Howard Maurer (Wilton)	UT	3,100
Tom Babinat d/b/a Tom's Car Care (Grundy Center)	UT	3,600
Richard Beckett (Villisca)	UT	1,300
Henry and Randy Krohn d/b/a Krohn Const. (Waukee)	AQ/SW	4,000
James and Roxann Neneman; J&R Mini Mart (Council Bluffs)	UT	3,900
Simonsen Industries, Inc. (Cherokee Co.)	WW	5,000
Sale-R-Villa Const., Inc. (Perry)	AQ	10,000
Dennis Malone & Joanne Malone (Morning Sun)	UT	600
Economy Solar Corp.; Jeffrey C. Intlekofer (Cedar Rapids)	AQ	10,000
Marty Feinberg d/b/a Feinberg Scrap Iron; Betty Feinberg; F & F Metals (Lee Co.)	HC/WW	10,000
Earth Media Technologies, Inc. (Polk Co.)	SW	3,000
Pilot Oil Corporation (Walcott)	WW/UT	5,000
Leonard C. Page (Adams Co.)	SW	3,000
White Oaks Homeowners Assn. (Ankeny)	WS	1,000
Boyer Valley Company (Arion)	WW	8,000
Wilbur McNear; Gilbert Persinger (Smithland)	UT	2,500
Donald Krieger (Terrill)	UT	600
Donald J. Foreman d/b/a D & R Feedlots (Woodbury Co.)	WW	3,000
Wilbur McNear d/b/a McNear Oil Co. (Charter Oak)	UT	2,000
Holiday Mobile Lodge, Inc. (Johnson Co.)	AQ/SW	2,000
Shell Rock Products, Inc. (Butler Co.)	AQ/SW	10,000
E.L. Incorporated (Algona)	SW	5,000
Weber Construction, Inc. (Cascade)	AQ	4,000
Tri-County Bank & Trust (Cascade)	AQ	4,000
Jack Pinney Operations, Inc. (Sioux City)	AQ	4,000
Roy Burger (Gillette Grove)	UT	5,400
Spencer Municipal Hospital (Spencer)	AQ	3,000
Westside Park for Mobile Homes (Burlington)	WW	3,000
Climax Molybdenum Company (Ft. Madison)	HC/AQ	10,000
Clarence, City of	WW	3,000

Bill Shirbroun d/b/a Was Broken Pallet (Webster Co.)	AQ/SW	1,000
Daryl & Karen Hollingsworth d/b/a Medora Store (Indianola)	UT	4,800
Hidden Valley Mobile Home Park (Washington)	WW	2,000
Jolly Roger Campground & Marina (North Liberty)	WW	1,000
Markley Knock d/b/a Knock's Bldg. Supply (Parkersburg)	AQ/SW	2,000
Dean Williams d/b/a Williams Oil Co. (Stuart)	UT	4,800
Russell Stagg (Muscatine Co.)	AQ/SW	2,000
Obie's Hurstville Tap, Inc. (Maquoketa)	WS	100
Edward Bodensteiner (Des Moines)	UT	3,200
Dallas County Care Facility (Adel)	WW	2,500
#Marlin Brenneman (Iowa Co.)	WW	3,000
Mount Joy Mobile Home Park (Davenport)	WW	2,000
Louisa-Muscatine Community School (Letts)	WS	500
Davenport Travel Plaza (Walcott)	WS	250
#C & I Eggs (Webster Co.)	WW	3,000
Vermeer Manufacturing Co. (Pella)	AQ	10,000
Gary Walker (Montgomery Co.)	AQ/SW	3,000
Haasco, Ltd. (Dubuque)	AQ	3,000
Site Services, Ltd. (Waterloo)	AQ	5,000
Winsor Oil Co., Inc.; Joyce Winsor (Vinton)	UT	1,500
Bernie Brauns d/b/a Brauns Waste Mgmt. (Muscatine Co.)	AQ/SW	10,000
Becker Gravel Company, Inc. (Stratford)	WW/FP	3,000
Ron Rupe (Polk Co.)	SW	2,000
Richard L. Magdefrau (Washington Co.)	AQ/SW	2,000
Lamoni, City of	WW	1,000
Margaret and Gene Palmersheim d/b/a G & M Service Mart (Greeley)	UT	1,500
Dakota Mobile Home Park (Oxford)	WW	2,550
Waste Mgmt. & Design; Monfort, Inc. (Des Moines)	SW/WW	10,000
#Boomsma Egg Site #1; A.J. DeCoster (Wright Co.)	WW	1,000
Leroy Navratil d/b/a Navratil Excavating (Plymouth)	AQ/SW	600
Richard Sprague (Tripoli)	AQ/SW	5,000
Joseph Barragy; Tom Barragy; J & M Woodshavings, Inc. (Cerro Gordo Co.)	AQ/SW	4,000
Marvin Low d/b/a Low's DX (Toledo)	UT	10,000
Carroll, City of	WS	3,000
Todd L. Salow (Washington)	AQ/SW	5,000
Camp Golden Valley (Lockridge)	WW	5,700
Holliman LTD.; Terry Holliman (Hamburg)	SW/WW	10,000
Organic Technologies Corp.; Tim Danley; Ken Renfro (Warren Co.)	SW/WW	10,000
Iowa Tanklines, Inc. (Des Moines/Webster City)	UT	1,000
Ralene Hawkins d/b/a R.J. Express Salvage & Demolition; Clara Lindstadt (Des Moines Co.)	AQ/SW	1,000
#Rod Bice (Boone Co.)	WW	500
Bellevue Golf Club, Inc. (Bellevue)	WS	2,200
Cliff's Place, Inc. (Waverly)	WS	1,500
Craig Burgin (Indianola)	UT	600
Wayne Johnson (Rockford)	AQ/SW	1,000
Sylvan Acres (Janesville)	WS	1,000
Paul Behounek; Todd Behounek (Tama Co.)	AQ/SW	7,100
TOTAL		415,853

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
Hofer's Danceland Ballroom (Walford)	WS	112
*Vernon Kinsinger d/b/a K & K Sanitation (Washington Co.)	AQ/SW	100
Al's Fisherman's Wharf (Dubuque)	WS	250
Tony Hoyt d/b/a Lake Wilderness Campground (Lee Co.)	SW	1,757
Allison Fire Dept.; Allison, City of	AQ	1,500
TOTAL		3,719

ATTORNEY GENERAL REFERRALS
May 1, 1997

Name, Locatin and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
Ballard, Randy Fayette Co. (1)	Flood Plain	Construction Without Permit	Order/Penalty	Referred	5/29/96
Beaver, Jody Cedar Co. (6)	Solid Waste Air Quality	Illegal Disposal Open Burning	Order/Penalty	Referred	7/28/95
DeCoster, A.J. Wright Co. Updated	(2) Waste-water	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Defendant's Pre-Answer Motions Filed State's Resistance Filed Order Denying Defendant's Motion Defendant's Motion for Separate Trials State's Resistance Filed Defendant's Answer Defendant's Reply to Resistance State's Supplement to Resistance State Brief Hearing on Motion for Separate Trials Order Denying Defendant's Motion Defendant's Motion to Compel State's Motion to Extend Pleadings Hearing Order Denying Defendant's Motion Order Granting State's Motion Defendants Motion for Reconsideration Order Denying Defendant's Motion State's Motion to Compel Hearing Order Granting State's Motion Trial Closing Arguments Post Trial Briefs Ruling (\$59,000/Civil)	7/17/95 1/23/96 3/06/96 3/27/96 4/12/96 4/19/96 4/29/96 5/01/96 5/06/96 5/30/96 5/31/96 6/03/96 6/28/96 10/03/96 10/15/96 10/21/96 10/28/96 10/28/96 11/06/96 11/21/96 11/27/96 12/20/96 12/20/96 1/28/97- 2/06/97 2/11/97 2/21/97 3/05/97

					Defendant 179(b) Motion	3/28/97
					Defendant's Notice of Appeal	4/04/97
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DeCoster, A.J. Nursery Unit #3 Wright Co. (2)	Waste- water	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Trial Date		8/19/96 11/25/96 9/16/97
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DeCoster, Austin J. Sow Unit #1 (2) Updated	Waste- water	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed State's Motion to Change Venue State's Motion to Consolidate Order Granting Motions		1/22/97 4/24/97 4/28/97 4/28/97 4/28/97
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Economy Solar Corp. Ft. Madison (6)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Trial Date Ruling (\$1,600/Civil & Injunction) Notice of Appeal Voluntary Dismissal		3/21/94 8/29/94 11/06/95 11/30/95 1/03/96 4/11/96
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Economy Solar Corp./Central Community School DeWitt (6)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed		7/17/95 1/03/97
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Economy Solar Corp. Cedar Rapids (1)	Air Quality	Penalty Collection	Order/Penalty	Referred		6/17/96
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ESCORP/Cryotech Ft. Madison (1) Updated	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed		7/17/95 4/11/97
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ESCORP Associates, Ltd; Arnold Olson Cedar Rapids (1)	Air Quality	Asbestos	Order/Penalty	Referred		9/16/96
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Hahn, Oscar Solon (6)	Air Quality Solid Waste	Open Burning Illegal Disposal	Order/Penalty	Referred Petition Filed Default Judgment		12/18/95 4/18/96 11/01/96
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Humiston, Fred d/b/a Cedar River Trailer Park Letts (6)	Drinking Water	MCL-Nitrate	Referred to Attorney General	Referred		9/16/96
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Huyser, James; Trust Trucking Lovilia (5)	Under- ground Tank	Site Assessment	Referred to Attorney General	Referred Petition Filed		11/21/94 4/18/96
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Lee, Harold and Evelyn Keokuk Co. (6)	Waste- water	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed	10/16/95 5/16/96
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Martinez, Vincent d/b/a Martinez Sewer Service Davenport (6)	Hazardous Condition	Remedial Action	Order/Penalty	Referred Petition Filed Partial Default Judgment (Injunction)	2/17/92 12/21/92 10/11/94
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McKernan, Brian d/b/a Hickory Grove Mobile Home Park Roland (5)	Waste- water	Discharge Limits; Monitoring & Reporting	Order/Penalty	Referred	1/22/97
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Orrie's Supper Club, Inc. Hudson (1)	Drinking Water	Monitoring/Rep orting; Lead & Copper	Order/Penalty	Referred	10/16/95
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Owens & Owens Realty, Inc. Wilton (6)	Under- ground Tank	DNR Defendant	Defense	Petition Filed Answer Filed	3/29/96 4/19/96
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Papetti's of Iowa Food Products, Inc. Taylor Co. (4)	Waste- water	Prohibited Discharge	Referred to Attorney General	Referred	1/22/97
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Postville Pork Postville (1)	Waste- water	Prohibited Discharge	Referred to Attorney General	Referred	5/20/96
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Reed, Verna and Don; Andrea Silsby Union Co. (4)	Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed Default Judgment	6/20/94 8/10/94 12/12/94
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Relative, Inc.; Doug Smuck Des Moines (5)	Under- ground Tank	Insurance Violation	Order/Penalty	Referred Petition Filed Order Granting Default Judgment	10/17/94 5/12/95 11/26/96
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Underwood, Paul d/b/a Underwood Excavating and Demolition Cedar Rapids (1)	Air Quality	Asbestos	Order/Penalty	Referred Motion for Judgment	5/15/95 8/15/96
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CONTESTED CASES May 1, 1997

Date Received	Name of Case	Action Appealed	Prrogram	Assigned To	Status
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1-23-86	Oelwein Soil Service	Admin. Order	WW	Murphy	Hearing continued; additional testing being
6-08-89	Shaver Road Investments	Site Registry	HW	Kennedy	Draft consent order under review by EPA
6-08-89	Hawkeye Rubber Mfg. Co.	Site Registry	HW	Kennedy	Draft consent order under review by EPA.
6-08-89	Lehigh Portland Cement Co.	Site Registry	HW	Murphy	Hearing continued. Discovery initiated.
11-03-89	Bridgestone/Firestone, Inc.	Site Registry	HC	Murphy	Hearing continued pending negotiations.
5-08-90	Texaco Inc./Chemplex Co. Site	Site Registry	HW	-----	Settlement proposed.
5-14-90	Alter Trading Corp. (Council Bluffs)	Admin. Order	SW	Kennedy	EPD considering public hearings. District court
6-20-90	Des Moines, City of	NPDES Permit	WW	Hansen	EPD met with City to resolve appeal issues.
7-02-90	Keokuk Savings Bank and Trust;	Site Registry	HW	-----	Hearing continued.
7-30-90	Key City Coal Gas Site; and Howard	Site Registry	HW	-----	Decision appealed (Pixler).
8-01-90	J.I. Case Company	Site Registry	HW	Preziosi	Hearing continued indefinitely pending
10-15-90	Westside General Store Corp.	Admin. Order	UT	Wornson	Evaluating inability to pay - UST fund
12-03-90	United States Gypsum Co.; Smitty's	Site Registry	HC	Preziosi	Negotiating before filing.
12-27-90	McAtee Tire Service, Inc.	Admin. Order	SW	Kennedy	Amended order issued 1/11/96.
1-07-91	Joe E. Eggers, Jr.; Joe and Mary	Admin.	SW	Kennedy	Hearing continued. Clean-up continuing
5-20-91	Great Rivers Coop-Lockridge	Site Registry	HC	Murphy	Settlement proposed.
9-25-91	Archer Daniels Midland	Admin. Order	SW	Kennedy	DNR engineers reviewing documents.
1-17-92	Hickory Hollow Water Co.	Admin.	WS	Hansen	Settlement offer to WS. Counter offer 7/13/93.
1-30-92	Center Oil Co., Inc.	Admin. Order	HC	Murphy	Negotiating before filing.
4-09-92	Wayne Transports, Inc.	Admin.	WW	Murphy	Negotiating before filing.
4-15-92	Mulgrew Oil Co.	Admin.	HC	Wornson	Settlement letter sent 8/31/94. SCR completed.
4-24-92	Charles A. Kerr	Admin.	UT	Wornson	Financial inability claimed. Warning letter
5-05-92	Plymouth Cooperative Oil Co.	Admin.	WW	Murphy	Negotiating before filing.
5-12-92	Paris & Sons, Inc.	Site Registry	HC	Murphy	Negotiating before filing.
5-27-92	Beckett Chevrolet-Olds	Admin. Order	UT	Wornson	Financial inability claimed. Claimant
6-23-92	Chickasaw County Board of	Admin.	SW	Kennedy	County to include closing in FY 1997 budget.
8-06-92	Randy Bonin and Vickie Brannick	Admin.	SW	Kennedy	Clean-up progress is slow. Appellant's
8-24-92	Dean Hoeness d/b/a Hoeness &	Admin.	UT	Wornson	Financial inability claimed. Insufficient
9-21-92	ITWC	Admin.	AQ	Preziosi	Settlement close.
9-22-92	King's Terrace MHP	Admin.	WW	Hansen	8/94-Letter to facility regarding resolution of
11-16-92	Frank Hulshizer	Admin.	SW	Kennedy	Amended order issued 1/11/96.
12-14-92	Quantum	Permit Conditions	WW	Hansen	3/30/93 Dept. settlement offer made. 5/03/93
1-22-93	Pirelli Armstrong Tire Co.	Admin.	SW	Kennedy	F.O. 5 to meet with company 2/26/96
4-05-93	Mapleton, City of	WW Operator	WW	Hansen	Under review by EPD. Appeal discussion with
4-12-93	LeMars, City of	Admin.	WW	Hansen	Construction permit issued. Schedule
4-19-93	Council Bluffs, City of	Permit	WW	Hansen	8/96 - Letter to City in attempt to resolve
4-21-93	Donald Udell	Admin.	SW	Kennedy	Clean-up completed. Penalty settlement due.
4-26-93	Crane Co.	Admin.	SW	Kennedy	Admin. Order withdrawn 3/4/97. Closed.
6-21-93	Jacobs Energy Corp., Inc.	Permit Denial	AQ	Preziosi	Hearing continued. Meeting set for 5/8/97.
7-06-93	Dennis E. Good	Admin. Order	UT	Wornson	Compliance initiated 12/23/96.
7-09-93	Oakwood Park Water, Inc.	Admin.	WS	Hansen	Construction permit issued 2/94. Facility to be
7-20-93	Valley Restaurant/Sierp Oil; Mary &	Admin. Order	UT	Wornson	Settlement expected. SCR submitted. Revision

7-20-93	U.S. Dept. of Defense	Admin.	UT	Wornson	SCRs on the site and several others in Sioux
11-16-93	Iowa Southern Utilities	Permit Conditions	AQ	Preziosi	Awaiting summary of issues from attorney.
12-23-93	Waverly Gravel & Ready-Mix aka	Admin.	AQ	Preziosi	Negotiating penalty. Settlement close.
1-27-94	Archer-Daniels-Midland	Permit Conditions	- AQ	Preziosi	Negotiating before filing.
2-14-94	Economy Solar Corp. (94AQ04)	Admin.	AQ	Preziosi	Judicial review decision received in favor of
2-28-94	Coastal Mart - Davenport	Admin.	UT	Wornson	Deficient SCR. Letter sent. Penalty on appeal.
3-03-94	Burlington Northern Railroad	Tax Certification	WW	Hansen	3/96 - Letter to company regarding appeal.
3-08-94	Country Stores of Carroll, Ltd.; Elite	Admin.	UT	Wornson	All SCRs received. Proposal for compliance
4-19-94	Galva Union Elevator Co.	Admin.	UT	Wornson	Awaiting penalty payment. Settled.
5-10-94	Dennis Malone; Joanne Malone	Admin.	UT	Wornson	Untimely appeal. Compliance 3/97.
5-27-94	Joseph L. Ranker; Daryl	Admin.	UT	Wornson	Insurance to qualify for remedial benefits
6-15-94	Lakeview Heights	Permit Conditions	WS	Hansen	Facility proposal under review by WS. DNR
7-07-94	Rose Bar Tire Shredding	Admin. Order	SW	Kennedy	In bankruptcy. 1/96 Working on fire lanes.
7-12-94	Tom Wiseman	Admin.	UT	Wornson	Appeal untimely. Follow-up letter sent. Attny.
8-12-94	Karl and Thelma Boylan d/b/a	Admin.	UT	Wornson	Inability to pay. Failed to return required
8-29-94	B and B Tire and Oil	Admin.	UT	Wornson	SCR accepted. Letter sent offering penalty
9-01-94	Elmer R. Faust d/b/a Faust Garage &	Admin.	UT	Wornson	SCR accepted - negotiating penalty.
9-02-94	Crabtree Lake Resort	Admin.	WW	Hansen	Facility in compliance.
9-06-94	HEW, inc.	Admin.	AQ	Preziosi	3/1/96 - Amended order to be issued.
9-09-94	American Coals Corp., Site 5	Admin.	SW/AQ	Kennedy	Bankruptcy filed. Phone conversation
9-15-94	Bankston	Admin.	WS	Hansen	1/95 - Information from City. Compliance
9-16-94	Wunschel Oil Co.; Vernus	Admin.	UT	Wornson	Consent order. SCR received. Revisions to
9-26-94	James D. Foust	Admin.	SW	Kennedy	Settlement offer made 1/23/96. FO rejected
10-07-94	Titan Wheel International	Admin.	WW	Hansen	Revised BMR report submitted/reviewed by
10-19-94	Ronald Sizemore; Mark Murphy	Admin.	UT	Wornson	Inability to pay documented. County took tax
10-26-94	Boomsma's Inc.	Admin.	AQ	Preziosi	Negotiating before filing.
10-31-94	Owens & Owens Realty, Inc.; Keith	Admin.	UT	Wornson	District Court for judicial review. Fund
11-14-94	Tom Babinat d/b/a Tom's Car Care	Admin.	UT	Wornson	Inability to pay - request documentation.
11-28-94	Richard Beckett	Admin.	UT	Wornson	Referral to UST Fund. Follow-up - 3/96.
12-14-94	Campbell Clean-Up Service	Permit Denial	AQ	Preziosi	Negotiating before filing.
1-10-95	Steamboat Rock	Admin. Order	WS	Hansen	2/95 - Settlement offer by City and response
1-11-95	Henry and Randy Krohn d/b/a	Admin.	AQ/SW	Kennedy	Settlement offer made. FO rejected offer.
1-13-95	James and Roxann Neneman	Admin.	UT	Wornson	Inability to pay. Forms sent. No response.
1-13-95	Simonsen Industries, Inc.	Admin.	WW	Hansen	2/28/95 - Submittal by facility's engineer
2-23-95	Lehigh Portland Cement	Permit Conditions	WW	Hansen	Informal settlement meeting held on 6/96.
2-27-95	Sale-R-Villa Construction	Admin.	AQ	Preziosi	Settlement meeting held 5/23/96. Facility to
3-23-95	American Coals Corp.	Admin. Order	SW	Kennedy	In bankruptcy. Phone conversation 1/23/96
4-13-95	The Weitz Corp.; Barton Solvents,	Admin. Order	HC	Kennedy	Remediation plan received 5/27/96.
5-05-95	C & O Recycling Enterprises;	Permit Denial	AQ	Preziosi	Negotiating before filing.
5-25-95	Marty Feinberg d/b/a Feinberg Scrap	Admin.	HC/WW	Kennedy	Hearing continued. Clean-up continuing.
5-25-95	E.I. DuPont DeNemours (95-A-133)	Permit Conditions	AQ	Preziosi	Awaiting engineering evaluation.
5-30-95	Earth Media Technologies	Admin.	SW	Kennedy	In the process of clean-up.

5-31-95	E.I. DuPont DeNemours (91-A-266	Permit Conditions	AQ	Preziosi	Awaiting engineering evaluation.
6-09-95	Don Peterson d/b/a Peterson	Admin.	AQ	Preziosi	Settled. Awaiting final penalty payment.
6-16-95	Allison Fire Dept.; City of Allison	Admin.	AQ	Preziosi	Penalty payment received 4/1/97. Settled.
6-16-95	Pilot Oil Corporation	Admin.	WW/UT	Murphy	Site clean-up proceeding.
6-20-95	Toledo, City of	Permit Conditions	WW	Hansen	WW permits to negotiate settlement. Status of
6-23-95	Leonard C. Page	Admin.	SW	Kennedy	Penalty settlement due 7/30/96.
6-29-95	White Oaks Homeowners Assn.	Admin.	WS	Hansen	Informal meeting held 3/8/96. 4/25/96 follow-
7-03-95	Donald J. Foreman d/b/a D & R	Admin.	WW	Hansen	Negotiating before filing.
7-05-95	Boyer Valley Co.	Admin.	WW	Hansen	Informal meeting held for 6/7/96. Response
7-10-95	Donald Krieger	Admin.	UT	Wornson	Tanks removed. Report due.
7-10-95	Gilbert Persinger	Admin.	UT	Wornson	SCR received - rejected. Review progress -
7-13-95	Organic Technologies Corp.	Admin. Order	SW	Kennedy	New Admin. Order issued 11/15/96. Hearing
7-28-95	Harold T. Knott; James C. Knott	Admin. Order	UT	Wornson	Fund eligible. Tier 1 required.
8-01-95	Wilbur McNear d/b/a McNear Oil	Admin.	UT	Wornson	SCR not received as of 2/29/96.
8-18-95	Holiday Mobile Lodge, Inc.	Admin.	AQ/SW	Kennedy	Appellant's attorney reply due 2/29/96.
8-18-95	Redmond Enterprises, Inc.	Admin. Order	UT	Wornson	Compliance initiated. Selected for innovative
8-24-95	Shell Rock Products, Inc.	Admin.	AQ/SW	Kennedy	Settlement offer due 8/1/96.
9-06-95	Kraft Foods Inc.; Oscar Mayer	Variance Denial	WW	Hansen	Follow-up letter requesting information sent
9-20-95	FKI Industries, Inc.; Fairfield	Admin. Order	WW/HC	Murphy	Negotiating before filing.
10-09-95	E.L. Incorporated	Admin.	SW	Kennedy	Appellant no longer accepting waste. Renewal
10-17-95	Tri-County Bank	Admin.	AQ	Preziosi	Awaiting penalty payment.
10-17-95	Weber Construction, Inc.	Admin.	AQ	Preziosi	Hearing set for 4/25/97.
11-03-95	Jack Pinney Operations, Inc. aka	Admin.	AQ	Preziosi	Settlement close.
11-14-95	Mike Barker	GW Professional	UT	Wornson	Appeal withdrawn. Closed.
12-12-95	Vernon Kinsinger; K & K Sanitation	Admin.	AQ/SW	Kennedy	Informal meeting held. Working with F.O. #6.
12-13-95	Roy Burger	Admin.	UT	Wornson	Compliance complete - negotiating penalty.
12-27-95	Ag Processing, Inc.	Permit Denial	AQ	Preziosi	Negotiating before filing.
12-28-95	Site Services, Ltd.	Admin.	AQ	Preziosi	Negotiating before filing.
12-29-95	Spencer Memorial Hospital	Admin.	AQ	Preziosi	Negotiating before filing.
1-04-96	Catherine E. Meredith	Admin. Order	UT	Wornson	Current owner to complete SCR.
1-08-96	Westside Park for Mobile Homes	Admin.	WW	Hansen	Past due monthly monitoring reports
1-11-96	Climax Molybdenum Company	Admin.	AQ/HC	Preziosi	Negotiating before filing.
1-12-96	Clarence, City of	Admin.	WW	Hansen	1/96 - Facility inspected by FO 6. 9/96 letter
1-19-96	Bill Shirbroun d/b/a Was Broken	Admin.	AQ/SW	Kennedy	Negotiating before filing.
1-22-96	Daryl Hollingsworth and Karen	Admin.	UT	Wornson	Tanks removed.
1-24-96	Jolly Roger Campground	Admin.	WW	Clark	Negotiating before filing.
1-25-96	Hidden Valley Mobile Home Park	Admin.	WW	Clark	Negotiating before filing.
1-25-96	Markley Knock d/b/a Knock's	Admin.	AQ/SW	Kennedy	Phone conference with attorney regarding
1-30-96	Dean Williams d/b/a Williams Oil	Admin.	UT	Wornson	Compliance initiated.
2-06-96	Russell Staggs	Admin.	AQ/SW	Kennedy	Negotiating before filing.
3-04-96	Edward Bodensteiner	Admin.	UT	Wornson	Hearing held 11/7/96. Brief submitted. ALJ
3-11-96	Dallas County Care Facility	Admin.	WW	Hansen	Facility inspected by FO. Now in compliance.

3-11-96	Marlin Brenneman	Admin.	WW	Clark	Negotiating before filing.
3-14-96	Laurel, City of	Admin. Order	WW	Hansen	Information submitted by city under review
3-14-96	Lamoni, City of	Admin. Order	WW	Hansen	Flow information requested from City's
3-19-96	Obie's West	Admin. Order	WS	Hansen	Under review by WS section.
3-22-96	Mt. Joy Mobile Home Park	Admin.	WW	Hansen	3/25/96 Inspection by FO 6. Facility in
3-26-96	Louisa-Muscatine Community	Admin.	WS	Hansen	Negotiating before filing.
4-19-96	C & I Eggs	Admin.	WW	Clark	Negotiating before filing.
5-07-96	Lakeview Mobile Home Park	Admin.	WW	Hansen	6/20/96 - informal meeting held. Facility to
5-08-96	Vermeer Mfg. Co. (96AQ06)	Admin.	AQ	Preziosi	Drafting consent order.
5-14-96	Gary Lee Walker	Admin.	AQ/SW	Kennedy	Negotiating before filing.
5-16-96	Grand Laboratories, Inc.	Permit Denial	WW	Hansen	Information received and reviewed by EPD.
5-29-96	Champion Intl. Corp.	Permit Denial	AQ	Preziosi	Negotiating before filing.
5-29-96	Haasco, Ltd.	Admin.	AQ	Preziosi	Negotiating before filing.
6-07-96	Clow Valve Company	Permit Conditions	AQ	Preziosi	Negotiating before filing.
6-07-96	Koehring Cranes, Inc.	Open Burning	AQ	Preziosi	Negotiating before filing.
6-10-96	DeCoster Farms of Iowa (19 sites)	Admin. Order	WW	Clark	Proposed decision 11/25/96. Appealed to EPC
6-10-96	DeCoster Farms of Iowa (5 sites)	Permit Denial	WR	Clark	Proposed decision 11/25/96. Appealed to EPC
6-17-96	Winsor Oil Co., Inc. ; Joyce Winsor	Admin.	UT	Wornson	Compliance initiated. CADR
6-19-96	Appanoose Co. Sanitary Landfill	Permit	SW	Kennedy	Negotiating before filing.
6-25-96	Bernie Brauns d/b/a Brauns Waste	Admin.	AQ/SW	Kennedy	Negotiating before filing.
7-08-96	Becker Gravel Co., Inc.	Admin.	WW/FP	Clark	Negotiating before filing.
7/17/96	Richard L. Magdefrau	Admin.	AQ/SW	Kennedy	Negotiating before filing.
8/01/96	DeCoster Farms of Iowa (Nursery	Permit Denial	WW	Clark	Proposed decision 11/25/96. 12/27/96 -
8/01/96	DeCoster Farms of Iowa (Boomsma	Admin.	WW	Clark	Hearing continued - date to be set.
8/02/96	Gene Hammen d/b/a Maple Grove	Permit Denial	WW	Clark	Hearing held 9/23/96. Proposed decision
8/09/96	Gene and Margaret Palmersheim	Admin.	UT	Wornson	Negotiating before filing.
8/19/96	Capitol Oil Co., Inc. d/b/a Dakota	Admin.	WW	Clark	Negotiating before filing.
8/23/96	Waste Management & Design	Admin.,	WW/SW	Kennedy	Settlement pending.
8/30/96	Howard Victor & Wanda Victor	Admin.	UT	Wornson	Closed facility. Negotiating penalty.
8/30/96	LeRoy E. Navratil	Admin.	AQ/SW	Kennedy	Negotiating before filing.
9/04/96	Ag Processing, Inc./Sheldon Facility	Permit Denial	AQ	Preziosi	Negotiating before filing.
9/24/96	North Star Steel Iowa	Permit Denial	AQ	Preziosi	Negotiating before filing.
10/11/96	DeCoster Farms of Iowa (96-	Admin. Order	WW	Clark	Hearing continued indefinitely.
10/17/96	DeCoster Farms of Iowa (Nursery	Permit Revocation	WW	Clark	Hearing continued indefinitely.
10/28/96	Fischer Controls International	Permit Conditions	WW	Hansen	Negotiating before filing.
10/28/96	Holliman Ltd.	Admin.	SW/WW	Murphy	Negotiating before filing.
11/01/96	Joseph Barragy and Tom Barroy	Admin.	AQ/SW	Kennedy	Negotiating before filing..
11/05/96	Marvin Low d/b/a Low's DX	Admin.	UT	Wornson	New case. Tanks temporarily closed.
11/07/96	Todd L. Salow	Admin.	AQ/SW	Kennedy	Negotiating before filing.
11/08/96	Caseys General Stores, Inc.	Mean Time to	UT	Wornson	Settlement conference held 2/17/97.
11/08/96	Carroll, City of	Admin.	WS	Hansen	Returned to compliance.
11/25/96	Camp Golden Valley	Admin.	WW	Kennedy	Negotiating before filing.

12/02/96	Organic Technologies Corp.	Permit Denial	SW	Murphy	Hearing set for 5/6&7/97.
12/05/96	Organic Technologies Corp. -----91-	Admin.	SW	Murphy	Hearing set for 5/6&7/97.
12/11/96	Ames, City of	Denial of Waiver	WS	Hansen	Hearing held 3/12/97. ALJ decision 4/4/97
1/02/97	Ruan Leasing Co., aka Ruan	Admin. Order	AQ	Preziosi	Negotiating before filing.
1/20/97	Iowa Tanklines, Inc.	Admin.	UT	Wornson	Settlement conference held.
1/22/97	Rock Island District Corps of	401 Certification	WQ	Hansen	Hearing set for 5/12-13/97.
1/23/97	Rod Bice	Admin.	WW	Clark	Negotiating before filing.
1/28/97	Ralene Hawkins d/b/a R.J. Express	Admin.	SW/AQ	Kennedy	Negotiating before filing.
2/07/97	Craig Burgin	Admin.	UT	Wornson	Compliance initiated.
2/19/97	Cliff's Place, Inc.	Admin.	WS	Hansen	Compliance initiated.
2/20/97	Bellevue Golf Club	Admin.	WS	Kennedy	Negotiating before filing.
2/21/97	Farmland Foods, Inc. (Denison)	Permit Conditions	AQ	Preziosi	Negotiating before filing.
3/04/97	Wayne Johnson	Admin.	SW/AQ	Kennedy	Negotiating before filing.
3/04/97	Q.C. Metallurgical Laboratory	Lab Cert.	UT	Wornson	Interim settlement reached.
3/20/97	Sylvan Acres	Admin.	WS	Hansen	Compliance initiated.
3/28/97	Paul Behounek; Todd Behounek	Admin.	SW/AQ	Kennedy	Negotiating before filing.
4/01/97	Ralston Purina	Permit Conditions	AQ	Preziosi	New case.
4/07/97	AGP, Inc. (Ag Processing, Inc.)	Permit Conditions	AQ	Preziosi	New case.
4/10/97	Lehigh Portland Cement	PSD Permit	AQ	Preziosi	New case.

Mr. Stokes reviewed the various monthly reports.

Mr. Stokes reported that there was a release of some manure that got into the Floyd River over the weekend, and it was the same field office that had the Sac City case. He noted that the appropriate notifications were made, including the Nebraska DEQ because they have Omaha and some other potential downstream users. He related that they did not think it was a significant enough issue and did not notify the Omaha water utility, and it was the issue of controversy in that area today.

Brief discussion followed on enforcement cases.

Mr. Stokes reviewed that the Commission requested last month to hear from the Attorney General's Office on a specific case this month.

Dave Sheridan, Attorney General's Office, stated that he will discuss the case in closed session.

Closed Session

Motion was made by Charlotte Mohr to go into closed session pursuant to Iowa Code Section 21.5(1)c to discuss strategy with counsel in matters where litigation is imminent where disclosure would be likely to prejudice or disadvantage the position of the government. Seconded by Rozanne King. Roll call vote was taken and carried unanimously with "Aye" votes cast by Commissioners McWilliams, Mohr, Murphy, Townsend, Venner, Giannetto, King, and Ehm.

Motion was made by Rozanne King to adjourn the closed session and return to open session. Seconded by Charlotte Mohr. Motion carried unanimously.

Chairman Ehm announced that no decisions were made in closed session.

Mike Murphy explained that, referring back to a question from Commissioner Mohr, many cases that go on for some time are due to site contamination investigations which take a long time. He related that he will provide the Commission with a summary report by July on how many cases have been closed.

INFORMATIONAL ONLY

AIR QUALITY PROGRAM STATUS UPDATE

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be given an update on various issues relative to the Air Quality Program. These will include updates on staffing, budget, file imaging system, rule development and other programmatic issues.

The Commission will be sent additional information under separate cover prior to the meeting.

Mr. Stokes reviewed the reports and budget items which were sent to the Commission and noted that the division is in the process of hiring six additional people. He asked Elizabeth Henderson, DED, to give a review on the benchmarking study.

Elizabeth Henderson stated that the DNR and DED are working jointly on a benchmarking study to look at more specific, technical environmental regulations. She noted that the purpose is to examine environmental regulations, rules and procedures specific to Iowa in comparison with selected states. She expanded on details of the project and related that she will give the Commission periodic progress reports.

INFORMATIONAL ONLY

TITLE V AIR QUALITY OPERATING PERMIT FEES - FY 1998

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve a fee applicable to sources of air emissions required to obtain Title V Air Operating Permits for state fiscal year 1998. The attached detailed budget information is provided to aid the Commission in their decision making process.

SFY 98 Air Quality Budget

Cost Expenditure Category	Center & Activity	(7220)	(7230)	(Total)	Increase/ Decrease from March EPC	Comments
Air Quality Program						
Personnel	101	644,398	505,799	1,150,197	-23,472	Was 6% increase, now only 3.5%
Travel in state	202	4,720	604	5,324	-4,000	Reduced to reflect actual expenditures
Travel out of state	205	12,193	9,570	21,763	-16,070	Reduced to reflect actual expenditures
Office supplies	301	12,231	9,601	21,832	-2,400	Reduced to reflect actual expenditures
Facility maintenance	302	345	271	616	0	
Equipment maintenance	303	1,703	1,336	3,039	0	
Other supplies	308	1,895	1,488	3,383	-375	Eliminated estimation for inflation.
Printing and binding	309	5,603	4,398	10,000	0	
Communications	401	16,654	13,072	29,726	7,547	Additional cost for connection to Capi Complex.
Ingram Rental	402	45,560	35,761	81,321	0	
Utilities	403	2,071	1,625	3,696	0	
Professional Services	405	247,700	194,424	442,124		
Professional services - other	405	[3,922]	[3,078]	[7,000]	-[5,000]	Reduced to reflect actual expenditures
Univ. of Iowa Hygienic Lab. Agmt	405	[243,778]	[191,346]	[435,124]	[94,097]	Increase for additional staff and increase in operational costs to support large network.
Outside services	406	6,910	5,424	12,334		
Misc.	406	[6,910]	[5,424]	[12,334]	[0]	
Priority Express	406	[0]	[0]	[0]	-[3,943]	Reduced frequency of trips between Wallace and Ingram buildings.
Temporary Services	406	[0]	[0]	[0]	-[12,568]	Reduced by +1 FTE
Advertisement in publications	408	252	198	450	0	
Data processing	410	1,263	992	2,255	-250	Eliminated estimation for inflation.
Reimbursement to other agencies	414	3,147	2,471	5,618	-625	Eliminated estimation for inflation.
Equipment (Air Monitoring - PM 2.5)	501	46,204	30,803	77,007	0	
Indirect charges	999	83,772	65,754	149,526	-3,031	Reflects change to Personnel.
Total		1,136,621	883,590	2,020,211	29,910	

**Air Quality Field
Program**

Personnel	101	152,340	433,583	585,922	-11,268	Was 6% increase, now only 3.5%
Travel in state	202	1,053	2,997	4,050	-450	Eliminated estimation for inflation.
State Vehicle	203	0	4,500	4,500	0	
Depreciation	204	0	9,000	9,000	0	
Travel out of state	205	2,600	0	2,600	-12,400	Reduced to reflect actual expenditures.
Office Supplies	301	260	740	1,000	0	
Facility Maintenance	302	0	0	0	0	
Equipment Maintenance	303	0	0	0	0	
Other supplies	308	0	0	0	0	
Printing and binding	309	26	74	100	0	
Uniforms	312	390	1,110	1,500	0	
Communications	401	2,860	8,140	11,000	0	
Rentals	402	0	0	0	0	
Utilities	403	0	0	0	0	
Professional Services	405	0	0	0	0	
Outside services	406	0	0	0	0	
Data processing	410	2,080	5,920	8,000	0	
Reimbursement to other agencies	414	527	1,499	2,025	-225	Eliminated estimation for inflation.
Equipment	501	0	0	0		
New vehicles	501	[0]	[0]	[0]	[0]	
Computer Equipment & other	501	[0]	[0]	[0]	-[48,000]	Eliminated additional computer hardware and software purchases.
Equipment Noninv.	503	26	74	100	0	
Other expense	602	0	0	0	0	
Indirect charges	999	19,804	56,366	76,170	-1,465	Reflects change to Personnel.
Total		181,966	524,002	705,967	-73,808	

Title V Program

Personnel	101	0	1,165,553	1,165,553	-161,539	Was 6% increase, now 3.5%, more reflective of vacancy rate.
Travel in state	202	0	7,640	7,640	-5,738	Reduced to reflect actual expenditures.
State Vehicle	203	0	3,000	3,000	0	
Depreciation	204	0	6,000	6,000	0	
Travel out of state	205	0	31,230	31,230	-23,053	Reduced to reflect actual expenditures.
Office supplies	301	0	32,529	32,529	-2,239	Eliminated estimation for inflation.
Facility maintenance	302	0	825	825	-59	Eliminated estimation for inflation.
Equipment maintenance	303	0	27,391	27,391		
Office Equipment	303	[0]	[5,007]	[5,007]	[646]	Copy machine maintenance.
Computer Equipment	303	[0]	[22,384]	[22,384]	-[22,616]	Originally budgeted under Outside Services. Includes HP maintenance agreement and

						CIC maintenance agreement for the printers.
Other supplies	308	0	4,921	4,921	-471	Eliminated estimation for inflation.
Printing and binding	309	0	25,000	25,000	-5,000	Reduced to reflect actual expenditures.
Uniforms	312	0	2,000	2,000	0	
Communications	401	0	52,845	52,845	21,024	Addition for connection to Capitol Complex and maintenance of those lines. Actual monthly charge for connection is higher than originally estimated.
Ingram Rental	402	0	116,679	116,679	0	
Utilities	403	0	5,304	5,304	0	
Professional Services	405	0	2,350,400	2,350,400		
Permit review contract	405	[0]	[555,000]	[555,000]	[155,000]	Increased due to number of construction permit submittals. Estimates an additional year for construction permit review. Also provides for Voluntary Operating Permit Review Contract.
Data Management System Contract	405	[0]	[0]	[0]	-[180,000]	Contract expired, shift to consultant services and software purchases.
Computer Consultant Services	405	[0]	[225,120]	[225,120]	[25,120]	Increase reflective of money from Data Management System Contract. For Rapids and Workflow evolution, and modeling and Microsoft System setup, installation, and documentation.
Computer Training	405	[0]	[82,580]	[82,580]	-[67,420]	More accurate estimation on training. Special Training for TAT (Powerbuilder, Netware 4.1 administration, and Object Oriented Applications) and Staff training on NT operating system.
EDI Contract	405	[0]	[25,000]	[25,000]	-[375,000]	Many EDI activities will be post-poned until following fiscal years.
Linn County local program agreement	405	[0]	[249,000]	[249,000]	-[46,000]	Original estimates did back out one time costs from SFY 97.
Polk County local program agreement	405	[0]	[274,000]	[274,000]	-[16,000]	Original estimates did back out one time costs from SFY 97.
Environmental Liaison	405	[0]	[81,000]	[81,000]	[0]	
UNI small business assistance agr	405	[0]	[360,000]	[360,000]	[0]	
UI Hygienic Lab (Stack Testing)	405	[0]	[248,700]	[248,700]	-[17,000]	Decrease is more reflective of actuals.

Contract for special permitting course	405	[0]	[50,000]	[50,000]	[0]	
Interagency Agr with Prison Industries	405	[0]	[200,000]	[200,000]	-[100,000]	Less work will be required. Limited to scanning of permit revisions.
Priority express	405			[0]	[0]	Moved to Obj. 406.
Outside services	406	0	132,735	132,735		
Misc.	406	[0]	[17,696]	[17,696]	[0]	
Computer maintenance (Software)	406	[0]	[92,207]	[92,207]	[62,207]	Better estimation of true expenses. Includes maintenance on Jukebox, Sun Servers, and Oracle.
Temporary Services	406	[0]	[18,032]	[18,032]	[0]	
Priority express	406	[0]	[4,800]	[4,800]	-[857]	Eliminated estimation for inflation.
Advertisement in publications	408	0	6,100	6,100	0	
Data processing	410	0	3,595	3,595	0	
Reimbursement to other agencies	414	0	8,957	8,957	0	
Equipment	501	0	558,378	558,378		
Air monitoring equipment	501	[0]	[150,000]	[150,000]	[0]	Includes equipment for the necessary upgrade and expansion of network.
Equipment	501	[0]	[0]	[0]	-[25,000]	Moved to Computer hardware purchase.
FAX Back Information transfer	501	[0]	[7,500]	[7,500]	[0]	
GPS - GIS base & 2 field units	501	[0]	[2,000]	[2,000]	[0]	
Computer hardware purchase	501	[0]	[239,778]	[239,778]	[29,778]	Workstation replacement, data storage and backup, and GIS Information Data Server/Manager.
Computer software purchase	501	[0]	[157,100]	[157,100]	[157,100]	Model Assessment Software, Oracle Version Upgrades, Web Image Enabling Software, and various applications.
Data Management System Contract	501	[0]	[0]	[0]	[0]	Moved to Obj. 405.
Office equipment & furniture	501	[0]	[2,000]	[2,000]	[0]	
Equipment Noninv.	503	0	7,000	7,000	5,000	More reflective of actuals.
Other expenses	602	0	16,000	16,000	0	Charge to Department of Revenue and Finance.
Indirect charges	999	0	151,522	151,522	-21,000	Reflects change to Personnel.
Total		0	4,715,603	4,715,603	-613,118	

SUMMARY

(7220)	(7230)	Total	Total Reductions	Consequences of Reductions
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Air Quality Bureau Total Expenditures**1,318,586 6,123,194 7,441,781****657,016** No addition of new database fields, display screens, and reports in RAPIDS for Compliance Assistance and Field Office.

Reduction in the replacement factor for workstations.

Limited expansion in EDI for permitting.

Less ability to image Title V permit application revisions.

Reduced in-state travel may impact frequency permit reviewer visits facility during application review.

Reduced out-of-state travel may impact level of involvement in national or regional policy groups.

Revenues

Balance Forward from 937,338

previous year

State Contribution 430,000

Title V fees * 4,986,445

Fund interest 200,000

Federal 105 air grant 888,587

Total Revenues 7,442,370**REVENUES - 590****EXPENDITURES =****Comments**

Reduced by \$371,634.

Reduced by \$286K

Lower total tons for 1996 (3648 fewer tons), Reduced by \$80,621.

***NOTES:**Title V fees based on
\$22.10/ton at 225,631
tons.

Mr. Stokes gave a detailed explanation of the budget and adjustments made from the budget the Commission saw in March. He noted that it is projected a general fund appropriation of \$1.3 million will be needed for FY 99. He reviewed the per ton cost for bordering states. Mr. Stokes related that staff are asking approval of the fee at \$22.10/ton.

Motion was made by Rozanne King to approve the Title V Air Quality Operating Permit Fees for FY 1998 as presented. Seconded by Charlotte Mohr. Motion carried unanimously.

APPROVED AS PRESENTED

PROPOSED RULE--CHAPTER 64, GENERAL PERMITS, STORMWATER

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Department, in 1992, adopted by rule NPDES general permits for storm water discharges. The storm water general permits associated with industrial activity and associated with construction activities will expire on October 1, 1997. These permits are for a five year period and need to be renewed. The maximum term for NPDES permits is five years. A notice of Intended Action for rulemaking will be presented to the Commission for information.

The Department will propose to renew the general permits with only minor revisions. In addition, a third general permit will be proposed for a specific industrial group that includes permanent and portable asphalt and concrete batch plants and rock crushing plants. The Department has been working with an industry group organized by the Asphalt Paving Association of Iowa to draft a general permit which meets both the needs of the Department and of industry. Updates of existing NPDES General Permit No. 1 and NPDES General Permit No. 2 as well as a draft new general permit number 3 for the new group will be presented to the Commission with the Notice of Intended Action.

(A copy of the proposed rule is on file in the department's Records Center)

Mr. Stokes discussed details of the rule noting changes that will be made to the general permits.

INFORMATIONAL ONLY

REFERRALS TO THE ATTORNEY GENERAL

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

- a. R. V. Hopkins, Inc. (Davenport) - air quality
- b. World Wide Pig, L.L.C. (Hamilton County) - water quality

R. V. Hopkins, Inc.

Mr. Murphy stated that this facility is a barrel reclamation operation which the department has has numerous problems with over the years, regarding the prohibited burning of barrels at the facility. He noted that there have been three Administrative Orders for the facility, one which was amended twice since 1992. Mr. Murphy related that most recent Order required them to pay a penalty of \$10,000, at \$500 per month, and none of those payments have been made. Also, inspections indicate continued use of the old incinerator contrary to terms of the Order. He noted that in view of the history of the matter and ongoing violations, staff requests referral to the Attorney General.

Dan Forsythe

Dan Forsythe, EASE Environmental Services, stated that EASE took possession of R.V. Hopkins on 2/24/97 when they foreclosed on equipment and other assets from a debt they had not paid. He noted that twelve years ago Mr. Hopkins retired and turned the company over to Mr. Abdo, who was terminated on 2/26/97. Mr. Forsythe stated that the old furnace that created all of the violations was dismantled, and there is a new furnace on site which is a 9,000,000 btu per-hour unit. He asked for some time to prove credibility that the area has changed, noting that they have spent over \$10,000 in the last two months installing additional housekeeping and equipment. He related that they are looking at an 18 month turn around period. He added that there is some credibility just having an environmental firm running the company.

Terrance Townsend asked if the management that was involved with the problems no longer work there.

Mr. Forsythe stated that all former company management personnel are gone.

Rita Venner asked what the company's desires are.

Mr. Forsythe stated that he talked to Mr. Murphy about it, and Mr. Murphy said the department will recommend referral in light of the corporation's history in order to put some teeth into it, to see if the company can produce some favorable results. Mr. Forsythe related that he felt that was fair.

Discussion followed regarding a permit for the new incinerator; keeping the pressure on through referral; and payment of the penalties.

Motion was made by Rita Venner for referral to the Attorney General's Office. Seconded by Rozanne King. Motion carried unanimously.

REFERRED

PROPOSED CONTESTED CASE DECISION--CITY OF AMES WATER AND WPC DEPARTMENT

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

On November 27, 1996, the department denied the City of Ames' request for a variance to allow well construction next to a sanitary sewer line to City of Ames. That action was appealed by City of Ames, and the matter proceeded to administrative hearing on March 12, 1997. The Administrative Law Judge issued the attached Proposed Decision on April 4, 1997. The decision affirms the department's decision to deny the variance.

Either party may appeal the Proposed Decision to the Commission. In the absence of an appeal, the Commission may decide on its own motion to review the Proposed Decision. If there is no appeal or review of the Proposed Decision, it automatically becomes the final decision of the Commission.

Mr. Murphy stated that the department has received an appeal in this matter so it will come before the Commission at a later date.

<p>APPEAL RECEIVED - WILL COME BEFORE COMMISSION AT LATER DATE</p>

CONTESTED CASE APPEAL--MAPLE GROVE HOG PRODUCERS, INC.

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

On August 1, 1996, the department denied an application for construction permit for a swine confinement feeding operation, submitted by Maple Grove Hog Producers. That action was appealed. A neighbor, Scott Zavis intervened. The matter proceeded to administrative hearing on September 23, 1996. The Administrative Law Judge issued the Proposed Findings of Fact, Conclusions of Law, and Order on February 10, 1997. The decision affirmed the denial of the permit.

Maple Grove has appealed this order to the Commission. The Proposed Decision, and pertinent documents have been distributed to the Commissioners. The matter was tabled at the April meeting to allow the Commissioners time to review the transcript. The parties will be available to argue their respective positions and respond to your questions. You may then affirm the Proposed Decision, or modify or reverse it, substituting your own findings of fact and conclusions of law based on your conclusions from your review of the record and legal argument.

Mr. Murphy stated that this matter was considered by the Commission last month involving the department's denial of a construction permit for the Maple Grove, Inc. swine confinement operation. He noted that the basis for denial was the existence of a residence within the separation distance. He related that last month the Commission moved to defer action so they could review the transcripts. Mr. Murphy cautioned the Commission about additional statements made during public participation, noting that any factual matters that might have been related should not be considered as there was a hearing and that is where the evidence was to have been presented. He added that the Commission has the transcript and the law judge's findings are on that. He related that there are maybe some policy questions involved that is the Commission's prerogative to consider and make decisions on.

Commissioner Mohr asked if there were ever any pictures taken of the mobile home.

Mr. Murphy stated that the whole record is available for the Commission's review and he circulated five photos that were presented at the hearing.

Chairman Ehm asked if the Commission has counsel present from the Attorney General's Office.

Mr. Murphy said he was not clear on whether the Commission actually wanted counsel here today but staff can certainly have someone come over if the Commission so desires.

Mr. Murphy reviewed the Commission's options that they could either affirm the ALJ decision, make additional findings, or modify the findings and state the reasons for any changes made. If the decision is to modify, the Commission would have to state their rationale and then rely on the attorney that's provided by the Attorney General's Office to formulate those into something the Commission is willing to publish.

Brief discussion followed on the Commission's options.

Motion was made by Rita Venner to reverse the DNR's judgment and allow Maple Grove to have a permit. Seconded by Charlotte Mohr.

Rita Venner stated that her reason for making that motion is that it would be setting a definite precedent by allowing this type of trailer house to be a residence. She added that the Commission has seen a lot of evidence, heard a lot of testimony, and her judgment would be that it is not a residence and would be setting a real precedent.

Rozanne King concurred with Commissioner Venner's thoughts, adding that she had a very difficult time looking at the facts and the basis which it was decided upon as a residence. She related that she can perceive a trailer house on every four corners if someone decides they don't like the action of their neighbor. She further stated that if the Commission is to look upon the health needs of Iowa she feels they can expect to have some permanence in the way of a well

and a septic system, and noted that she cannot consciously call it a residence without those two things.

Terrance Townsend commented that legally it can be a residence in Iowa without those two things, in some locations. He added that he agrees in part about not wanting to set a precedent, but having gone through the transcript he could not find anything that would make him disagree with the way the DNR acted. He related that he feels he would have to support the decision, and based on the facts it was not proved that it wasn't a residence.

Kathryn Murphy stated that she thinks a comment made by Chris Gault this morning, from the Iowa Farm Bureau Federation, is very important to consider. She related that Ms. Gault's comment encourages communication between livestock producers and their neighbors, and livestock production is very important to this state. She stated that by not supporting the motion and not reversing the decision, it will serve to discourage communication among neighbors in the state, and she feels that communication is very important.

Charlotte Mohr stated that she serves on the Board of Health in Scott County and if a place like this came in to the county it would be placarded right away and would not be used for a residence. She added that trailers could be set all over the state of Iowa if this is allowed, if a pork production was to be established in an area. She stated that she can support the motion.

Randal Giannetto stated that he probably should not take part in the decision because he was not at the last meeting where this was discussed, but noted that he has read through the material and feels this problem will always face the Commission, no matter what decision they make today. He related that somebody else is going to come up with another way if they want to stop a facility, or build a facility. He added that the Commission will always run into this, and asked if the next time somebody adds a septic system and hooks it up to rural water, whether that would be declared a residence or not. He asked whether that is going to be the deciding factor. Commissioner Giannetto stated that as soon as you want to regulate something it causes the other side to have to find a way around it, the people that oppose you for whatever reason. He stated that he thinks this issue is going to go on, and on, and on and does not know if the Commission's decision today will end this particular matter, adding that both sides have some pretty legitimate points to take up in the Supreme Court.

Chairman Ehm stated that even though the affidavit that was served stated so, no one ever saw this resident enter or exit the trailer and never, ever saw him on the property or in the house. He noted that there was one point in time where he apparently stopped and visited with one of the neighbors but he's not convinced, at that point in time, it was before or after the application. He added that just from that simple standpoint he's not convinced that it was totally a residence.

Chairperson Ehm requested a roll call vote on Commissioner Venner's motion to reverse the DNR's judgment and allow Maple Grove to have a permit. "Aye" vote was cast by Commissioners Mohr, Murphy, Venner, McWilliams, King, and Ehm. "Nay" vote was cast by

Commissioner Townsend. Commissioner Giannetto abstained. Motion carried on a vote of 6-Aye to 1-Nay.

Mr. Murphy stated that he thinks what will happen now is staff will have tapes of the Commission's conversation today presented to the Attorney General's Office who will draft a Revised Order incorporating the Commission's rationale and findings.

~~Consensus of the Commission was to have copies of the draft Revised Order sent to each Commissioner for review and clarification if needed.~~

Chairman Ehm asked the Commission to let Director Wilson know if there is a problem with the way the Order is written up.

Mr. Murphy stated that depending on the timing, it may be appropriate for the Commission to discuss it next month and affirm a particular decision.

Larry Wilson expressed concern when both sides make a case in front of a court, or ALJ, and the facts are in and the Commissioners have reviewed it, then on the day of the meeting and decision making other parties come in and offer additional comments, thoughts, and opinion to the decision makers. He added that we heard some of the comments that had been made by one of the participant's during Public Participation referred to as influencing the decision of the Commission just a few minutes ago and that concerns him.

Mike Murphy stated that he believes those same comments were made in oral argument.

Chairman Ehm asked if anyone thinks there was anything new that came out today.

Commissioner Mohr and several other Commissioners indicated there was nothing new.

Dean McWilliams stated that he doesn't think there was anything new and their minds were made up when they came here.

Mike Murphy commented that the Commission may want to make a finding to the effect that the comments today have no bearing on their decision.

Director Wilson noted that it would be good to add it to the record.

Mr. Murphy stated that it may still be a point of contention in the future.

Director Wilson remarked that the new Commissioner presented some good comments relating that we haven't seen the end of this. He noted that whenever we sit as a body and say these are going to be the criteria for a legitimate, bonified residence, in an ex-officio sense are saying this is what this Commission will agree to. Then the next one that comes in, as Commissioner

Giannetto points out, is going to meet that criteria and then they can look back at the record and say on May 19th you said that's what it's going to take.

ALJ DECISION REVERSED

REFERRALS TO THE ATTORNEY GENERAL (CONTINUED)

World Wide Pig, L.L.C.

Mr. Murphy distributed copies of a Consent Administrative Order and reviewed details of the Order. He noted that counsel and staff have agreed on it and he is asking the Commission to approve the penalty level.

Terrance Townsend asked if there is any specific reason the penalty came back down to \$10,000.

Mr. Murphy responded that is all that can be done administratively and it is a convenience factor. He noted that it is a first time violation in this incident but the Commission could ask staff to refer if they feel a more appropriate fine is needed.

<i>Motion was made by Kathryn Murphy to approve the Consent Administrative Order as presented. Seconded by Dean McWilliams. Motion carried unanimously.</i>

CONSENT ORDER APPROVED

GENERAL DISCUSSION

Discussion took place regarding the periodic joint meetings with the Board of Health. Charlotte Mohr suggested the following issues for discussion at the next joint meeting: 1) Joint campaign on toxic waste; 2) Build capacity/authority of County Sanitarians; 3) Develop a method for joint legislative action; and 4) Improve means of providing accurate health risk assessment.

Discussion followed on the role of county sanitarians and their training. Rita Venner commented that county sanitarians have a very important role in the counties and call a lot of important shots.

Further discussion centered on how frequently the two Commissions should meet and it was felt it should be a couple of times a year.

Rita Venner reported that Carroll County had a terrific Toxic Cleanup Day last Saturday which was well advertised and very successful. Dean McWilliams mentioned that his county did the same thing which was very successful, except they had to have an appointment.

Discussion took place on the issue of whether frequency of occupancy, or having a viable water or septic system qualifies a place for residency. Mr. Stokes indicated that he needs clarification to provide guidance to staff on what qualifies as a residence.

Charlotte Mohr mentioned a newspaper article entitled "Thousands of Used Tires Roll Into Quad Cities Regional Recycling Plant."

ADDRESS ITEMS FOR NEXT MEETING

Terrance Townsend asked for an update on the Washburn Sewage Treatment Plant.

Rozanne King asked for an update on the City of Lenox. She also asked for a briefing on the types of land application and how they vary, and the number of increase in violations in this area.

Chairman Ehm asked if the department could put out a press release on apparent over-application on frozen ground noting that individuals are responsible for the way they apply.

Chairman Ehm also inquired as to when the ACCO Committee recommendations for rule changes will be coming before the Commission.

Mr. Stokes replied that the rules will be brought to the June meeting. He noted that the department was waiting to see what changes the legislature was going to make before bringing them to the Commission.

Charlotte Mohr brought attention to an article in the Des Moines Sunday Register about hoop-houses for hog confinements.

NEXT MEETING DATES

June 16, 1997

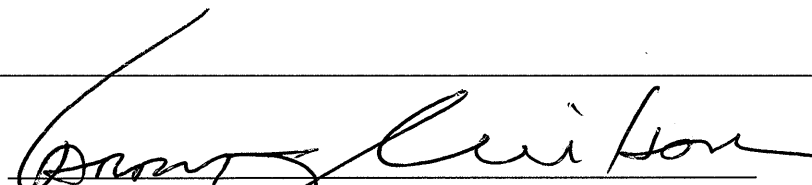
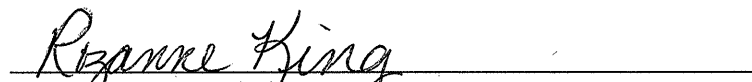

July 21, 1997

August 18, 1997

The June meeting will be held at the Air West office at 7900 Hickman Road.

ADJOURNMENT

With no further business to come before the Environmental Protection Commission, Chairman Ehm adjourned the meeting at 2:05 p.m., Monday, May 19, 1997.


Larry J. Wilson, Director
Rozanne King, Chair
Charlotte Mohr, Secretary

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